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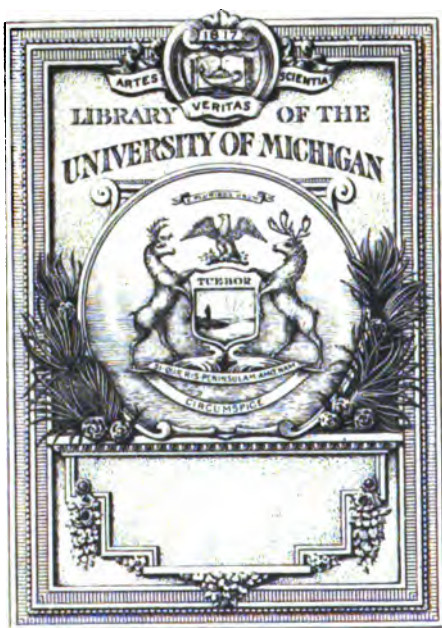
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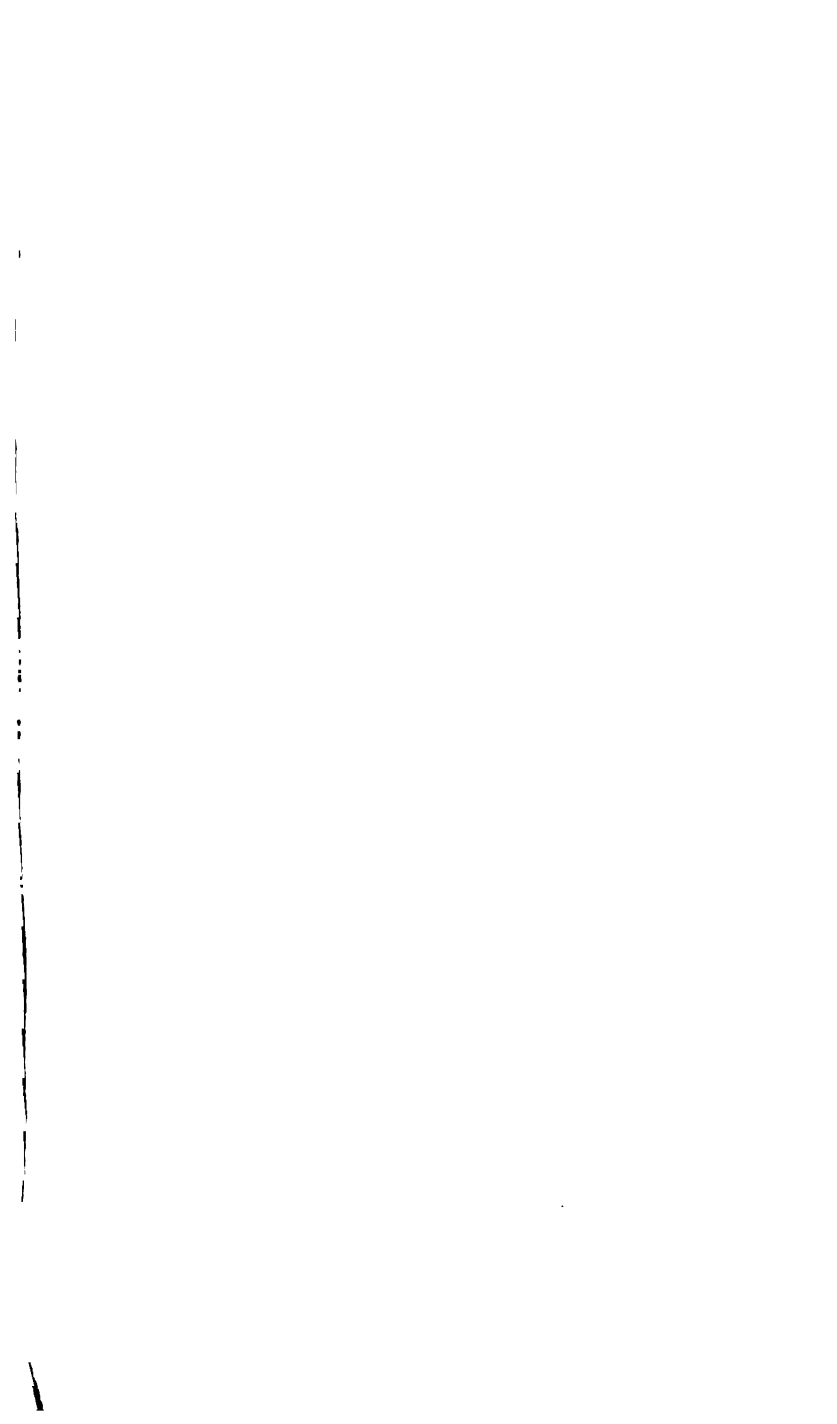
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The Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.

CONTAINING

- I. An Account of its Antiquity, past Government, and Sufferings from the *Danes*, and other People, both Foreign and Domestick.
- II. An Account of its Colleges, Halls, and Publick Buildings ; of their Founders and especial Benefactors ; the Laws, Statutes, and Privileges relating thereunto in general ; and of their Visitors and their Power, &c.
- III. An Account of the Laws, Statutes and Privileges of the University, and such of the Laws of the Realm which do any wise concern the same ; together with an Abstract of several Royal Grants and Charters given to the said University, and the Sense and Opinion of the Lawyers thereupon.

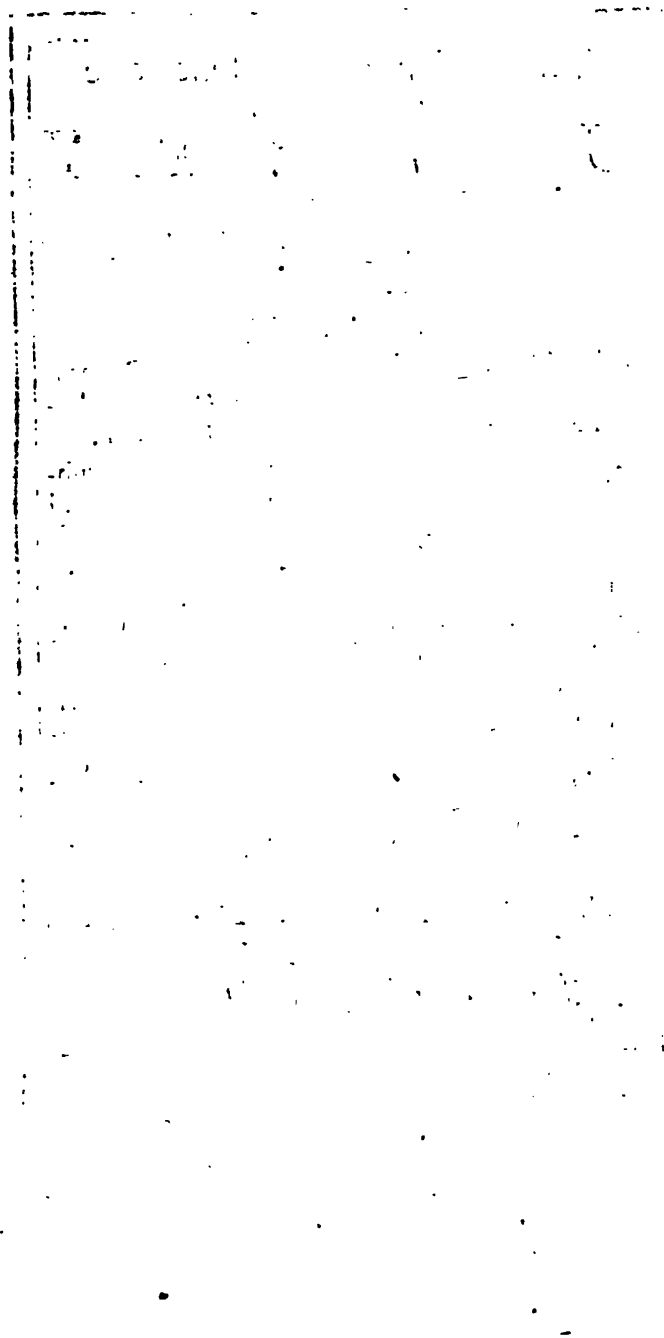
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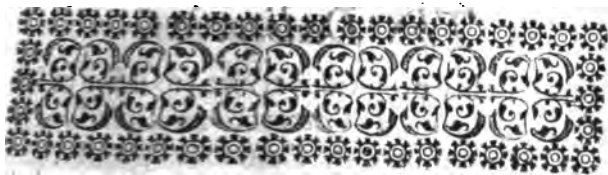
With an *APPENDIX* and *INDEX* to the whole.

By *JOHN ATLIFFE*, L. L. D.
and Fellow of *New-College* in *Oxford*.

V O L. I.

London : Printed for *E. Curll*, at the *Dial* and *Bible* against *St. Dunstan's Church* in *Fleetstreet*, 1714.





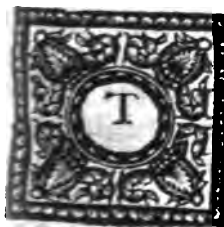
To the Right Honourable

J O H N

Lord SOMMERS,

Baron of *Evesham*.

MY LORD,



THE Natural Right, by
which Your LORDSHIP
may claim the Patronage
of the following Sheets,
as the Prince and com-
mon Father of Learning,
lays me under a necessary

Obligation of addressing the same to Your
high Protection ; which has ever been as
A 2 remark-

The Dedication.

remarkably propitious towards Men of Industry in point of Letters, as Your LORDSHIP'S consummate Knowledge in them has been indisputably universal: And therefore ('tis presum'd) I may be allow'd to offer this humble Tribute of my Homage and Duty to so great a Protector of Learning, without doing any Violence or seeming Injustice to another's Pretensions.

When the University of Oxford, the Subject of this Undertaking, and the Forster-Mother of Your LORDSHIP'S Education, first began to nurse Your tender Years, and to form them (in her Bosom) with the strongest Composition of Virtue and sound Literature, You gave Mankind very early Assurances of the various Blessings expected from the particular Felicity of Your natural Endowments; which were soon after improved with the largest Share and Acquisition of the Sciences, and polished with all the Ornaments and Graces, that either Art or Nature can bestow in Favour of the most shining Genius. It was then, MY LORD, we saw You rising in this our Hemisphere, as the great Luminary of the World, not with Light borrowed from any other Body in the Firmament, but in Your own pure and primitive Lustre, gently shedding down a benign Influence on all those, who had the happy Solace of Your LORDSHIP'S Conversation.

But

The Dedication.

But no sooner had Your LORDSHIP left this delightful Seat of the Muses, e're You lay concealed for some Time from the Eyes of vulgar Spectators, thro' the dark Clouds and Exhalations then arising in this out Region by the unkind Heat of the Season, till your stronger Beams of Light and Warmth broke forth and dispelled those Mists and Vapours, infesting the Nation with the pestilential Air, of Arbitrary Power: And thus was Your LORDSHIP reserved for a while by Heaven it self, in a kind of Obscurity, only to render Your Appearance again the more acceptable and beneficial to us.

Tyrants and other Monsters, raised by Tricks and infamous Means to high Titles of Honour, on the Ruin of their Country, may in the mistaken Sense of the Multitude be esteemed great, in respect of their Power or ill-gotten Riches; but only they are really so, and as such will transmit a Name to future Ages; who, advancing themselves by noble and virtuous Actions, reserve that Nobility untainted; a Quality entirely due to, and almost in a peculiar manner enriching Your LORDSHIP's Glory.

I might here pretend to a large Harangue, on Your LORDSHIP's just Praises for Your

The Dedication.

great Skill in the Laws of Nations, as well as those of Your own Country; for Your deep Search and Penetration into all Matters of State; for Your solid Judgment and quick Apprehension of Things in all the politer Parts of Learning and Humanity; for Your constant Prudence and Courage in all Your several Trials of Grandeur and Adversity; for Your perswasive Eloquence at the Bar, and in National Assemblies; and lastly, for all Your other great and uncommon Abilities in the Affairs of Life, wherein the Welfare of Human Society, and the Love of Your Fellow-Subjects have so readily engaged You. But it wou'd be a needless Publication to the World, so well acquainted with Your LORDSHIP'S Merit, to attempt the many glorious Perfections of that Life; which, according to its intimate and most darling Motive in Business, has ever been employed rather in doing Good, than in making it self conspicuous in the Eyes of living Men, or in the Annals of Posterity.

Yet maugre this, Your LORDSHIP stands highly visible among the first of them, who to their just Honours can receive no Addition of Glory from the Commendation of the best of Pens; tho' I must confess even the ablest Pen can never exceed the Bounds of Truth, in their Praises, where there is so much true Worth as in Your LORDSHIP'S

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SHIP'S Character; but then it must be also allowed, that they, who deserve most, are generally contented with the least: Wherefore lest I should offend Your LORDSHIP's known Modesty, whilst I am only willing to do Justice to the Memory of so much repeated Merit and real Goodness, I am in all Submission to Your LORDSHIP's Will and Pleasure, bound to proceed no farther. But then, MY LORD, it must be on this Condition, That I may be permitted to enjoy the Satisfaction and common Happiness of a true *Englishman* and a *Lover* of his Country, in this one Instance, of acknowledging my self with all the Professions of Honour and Esteem,

MY LORD,

Your Lordship's most Humble,

Obedient, and Devoted Servant,

John Aylyffe.

PREFACE.

THIS *Matriculation* is intended for the use of the *Students* of the University of Oxford, and many excellent *Books* for the Service of the ensuing *Year*. I now refer to the Publick, with my acknowledgments for the same, by the several *Marginal* *Annotations* the Reader will meet with in the *Text* thereof. And if the Performance shall in any wise answer the Design of the Compiler, he shall be inclin'd to think his painful Endeavours to be in some measure well rewarded, the *Work* is self being projected for the Use of Persons, either curious or concern'd to know, the Ancient and Present State of this renown'd and famous University. Nor is it only calculated for the Meridian of Oxford, but it also extends it self to its Sister University of Cambridge, so nearly ally'd to us in Respect of its Charters of Privileges, Liberties and Immunities granted and transmitted thither (in common) with those of Oxford by the several Princes of this Realm, &c.

The First, and about Half the Second Part of these Treatises are an Abridgment of Mr. Wood's History and Antiquities of Oxford, deliver'd from the many Errors and evident Partiality of that laborious Undertaker and Searcher into Antiquities; who being a known Friend to the Church of Rome (altho' no profess'd Papist)

THE PREFACE.

Papist) has disparag'd the Reformation of Religion in many Particulars, by his filthy Calumnies and Reflections on the State of the University through the Means of Edward the Sixth's Reign, and his high Commendations of it under the Administration of Queen Mary's Government.

The First Part being wholly adapted to the Illustration of the Third, is dispatch'd with as much Brevity and Clearness as the Nature of the Subject and my own Leisure would allow, my Purpose being to render the Book as cheap and easy to the Buyer as possible. And therefore passing over the fabulous Accidents of King Memprick, &c. founded on Conjectures of the most trivial Kind, I commence the Historical Part of this Essay with the Foundations and Liberalities of King Alfred; from which Era of Time I have given an exact Narrative of the most remarkable Occurrences happening here since his Days, which in some measure has a Relation to the City of Oxford itself, the Affairs thereof being in so known a manner mingled with those of the University.

In the Second Part, which is also a Continuation as well as an Abridgment of Mr. Wood's History, &c. the Reader will excuse the want of here commiserating the Munificence of some considerable Benefactors, and not impart it to Partiality; when he shall be made acquainted with the fruitless Application and Endeavours of the Reporter made to several Colleges for a complete List thereof, and for obtaining an Account of the Purposes for which their Benefactions were given, and wherewith appropriated. This indeed has so bad an Aspect, that the concealing thereof seems to me to be an Argument of their perverting the Uses of the Charity, or (at least) of their highest Ingratitude to their Benefactors. But this Difficulty of acquiring I cannot plead as an excuse for my Omission of Three considerable Benefactors.

The P R E F A C E.

to New-College, viz. Mr. — Rolfe, and the learned Dr. Will. Musgrave, now a Physician of great Practice at Exeter, and both of them heretofore Fellows of this College, the First of them giving 120 l. and the other 50 l. to the new Buildings thereof; as did also Cholmondley Turner, of Yorkshire, Esq; to the same Use give a Benefaction of 50 l. upon his leaving this College as a Fellow-Commoner therein, besides other Tokens of his Affection herewith shewn by providing for Two of its Fellows; and therefore I must ask their Pardons, and remember to place them among the Number of Benefactors herewith in another Edition, if the Success and Encouragement given to this shall demand it; wherein shall be supply'd and corrected whatever Defects or Errors shall appear in this, upon full Knowledge and Conviction thereof. But,

In the mean while, I think my self in Justice bound to declare, that I do not reflect on Dr. White Kennet, by that anonymous Editor of the History of England in 3 Volumes; but am oblig'd to vindicate that Reverend Divine and Dean of our Church from the undue Censures of such as have animadverted on him, for treating the Memory of William de Wickham with so much Reproach, in a false, scandalous, and lying Manner, by a Marginal Note under the Reign of King Henry IV. this worthy Gentleman having disclaim'd the Charge of being the Author or Publisher of that wicked and unchristian Mis-representation of so great a Prelate and Patron of Letters.

In the Laws relating to Colleges and the University, I have been as concise as possible without wronging the Sense thereof; tho' I cannot say, that they are plac'd in the Method first intended, or that this Work it self is penn'd with that Decoration of Style and Language as might be expected from a Person of my Degree and Standing in the University; but
the

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the Trouble and Vexation which I have suffer'd from Law-Suits and other Persecutions, for the sake of my adhering to the Principles of the Revolution; which shall be the Test of my Loyalty so long as I live, have clouded my Imagination so much, that it is not so strange I write without Life and Vigour, as that I am still among the Living, when I consider the various Afflictions of Pain and other Oppressions under which I have labour'd for almost 10 Years together, from the Malice of such as are ever promoting arbitrary Power in the Prince; because it is a Weapon whereby they may aggrandize themselves in Battle with their Fellows. And here,

Lastly, If there be any proud strutting Head of a House in either of the two Universities, (as I hope there is not) unto whom I have given any Offence by bearing too hard (as he may conceive) on the Negative Voice, let him shew himself under this odious Character, and expend his angry Resentments as soon as he pleases; I shall ever be ready to expose and lay before the World the many foul and scandalous Corruptions, which may very probably arise from such an exorbitant Power. There were indeed heretofore in both Universities (as I have been credibly inform'd) such noxious Tumours, as were never wanting with the utmost Diligence, to prostitute the Honour and whole Concerns of their Societies, to gratify an insatiable Avarice, a cruel Revenge, and an insufferable Tyranny, even without the least Pretence to this domineering Empire: And if ever the like Mischief shou'd erect its Head again, it is much to be wish'd, that the respective Visitors of each College will crush this Power in its Infancy. For if the Head of a College, instead of being the Father of all his Fellows (as it is his Duty to approve himself) shou'd be assiduous in contriving Ways and Means how to vex and distress them in their Rights and Privileges; or where there is no Negative Voice claim'd by him,

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him, to divide his Society into Parties, that he may thereby govern as absolutely as by a Negative, the Publick Good and Interest of such College will not be long regarded; for many of the Fellows will either thro' Fear, or other base Considerations, go into his Party, and be always worrying and molesting the rest of the Society, until by degrees they make them their wicked Accomplices to ruin and subvert the very Design of the Foundation it self. Good God! that ever there shou'd be Men of such disingenuous Tempers, where an ingenious Education is to be learnt and taught; but such is the Calamity of the Times, that Learning, good Manners, and a Publick Spirit, are to be laugh'd and hiss'd out of the World by an illiterate Faction.

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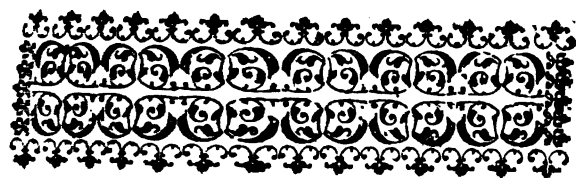
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THE
ANTIEN^T and PRESENT
STATE
OF THE
UNIVERSITY
OF
OXFORD.

PART I.

INTRODUCTION.

CHAP. I.

Of Universities, Academies, &c. in general.

BEFORE I proceed to the main Design of the following Sheets, it will not be thought improper (I presume) for me to give the Reader, by way of Introduction, some brief Account of Academies or Universities in general, antiently call'd *Studia generalia**, i. e. Studies and Places of general Learning: which sometimes were stil'd the *Epist. ad Rust.*
B Schools

Schools of the Church, as *M. Paris* expressly styles the University of *Oxford* the *second School* of the Church ||. Some will have it, that the Name of University obtain'd not the present Signification of publick Schools, till about our *K. Henry III's* Reign; for (say they) the Word *University* is not found in this Sense with any Writer whatsoever until that Age; which is a great Mistake with them; for Pope *Leo IV.* gave this Title to publick Schools of Learning long before this King's Reign; a Title perhaps at first not very grateful to *Latin Ears*: And there is now extant a Deed or Instrument made in King *Richard I's* Reign, between *Rich. Sewey*, a Citizen of *Oxford*, and the P. of *St. Frideswide*, touching a certain Tenement in *Oxford*, wherein Mention is made of the publick Seal of the University, with this Inscription round it, viz. *Sigillum Cancellarii C. T. Universitatis Oxoniensis*; as there was also another Deed made between this University and the Priory of *St. Frideswide*, in the 3d Year of *K. John's* Reign; to both which Deeds the Impression of this Seal was affixed: So that these are irrefragable Proofs, that these Schools of Learning, and even those at *Oxford*, were honour'd with the Title of Universities, long before the foregoing Epoch of Time; but the Word *University* did not at first signify so much the Place of Study, as the Society of Students therein placed. And in this Sense the Lawyers use it at this Day; for by legal Grant all Professors and Students, incorporated into a Body Politick, in the *Latin* Tongue called *Universitas*, do bear this Name, and become hereby a Republick of Learning.

Some Persons indeed affirm, that these publick Schools first received the Name of Universities, either from the Universality of Sciences taught

taught therein ; or if all Sciences were not therein read and taught, yet (say they) such as were read and taught there, ought to be heard and learnt *ab universis Scholaribus*, by all the Scholars therein resident : And *Erasmus* too to humour his Fancy, will have them stiled Universities, because Professors in the Universal Parts of Learning read Lectures there ; and thus were these August Seats of Knowledge in the fore-going Style called Universities, which Style (some say) entirely prevail'd from *P. Lee's* Time to the Reign of *Rich. II.* when the Word *Academia* began to be restor'd, yet not so as to bring the ancient Name of University into Disuse.

Moreover, these higher and publick Schools were also called *Academies*, (as before noted) and the Reason why they were so first called, was from the Word *Academia*, the Name of a Place near *Athens*, (as some say) built by *Cadmus* the *Phenician* ; and (as others) by one *Ecademus*, from whom it had its Name : For among other Cities of *Greece*, *Athens* being in a happy and opulent Condition, hither a Multitude of Persons resorted, to make their Researches into all Parts of Learning ; whereupon we even now call an University, nay also an inferior publick School, by the Name of *Athenaeum*. Near this City there was a Place well planted with Trees, wherein *Ecademus* founded a School, which changing the first Letter of its Name, was, from its Founder, called *Academia*, and the Persons applying themselves to study therein, were called *Academicks* ; and from thence is the same Name derived down to our Times, by which we call the higher and more eminent Schools of Learning : And why this Word was borrow'd rather from the School of *Ecademus*

Middendorp.
de Acad. An.
de Mendo, &c.

than from other publick Places of Learning in *Greece*, is a Question of no Moment. In the first Use and Application of Words, if any Congruity of Signification appears in them, the same shall give a Designation thereunto at Pleasure, and here not without good Reason, but with much Congruity in point of Sense; since this School of *Academy* was the most celebrated School for Learning extant in those Times, and without doubt esteem'd the first and chiefeft in all *Greece*.

Here in this Place *Plato* taught his Disciples Philosophy, who from hence were called *Academicks*. *Cicero* also called one of his Country Seats by this Name, having there fine Groves and pleasant Walks, for the Entertainment of his Philosophical Friends, where he wrote his Books *De Naturâ Deorum, & Amicitia*, as he also did his *Offices*, calling them therefore his *Academical Treatises*: And as the *Platonick* Sect were anciently called *Academicks* from their Study in *Academia*; so afterwards the Term of *Academicks* became the Name of a Sect of Sceptical Philosophers, maintaining Reason and Truth to be Things mutable, and all Things to be uncertain, so that Men ought to doubt of every Thing, and believe nothing.

Having given the Etymology, with the Reason why *Academy* and *University* do with us signify Schools of Learning; I next proceed to consider that all Universities, by the *Civil* and *Canon* Law are conceived to be (at least) Bodies of a mixed Nature, if not entirely Ecclesiastical, consisting partly of Ecclesiasticks and partly of Laicks. For as the Study of Divinity is a Faculty of Ecclesiastick Profession; so are the Sciences of Law and Physick Studies of a Lay Denomination; and though the *Canon* Law contains many
Matters

Matters purely spiritual, yet it may be taught and practis'd by Lay-men, since Matters Ecclesiastical and Spiritual therein contain'd are mix'd and blended together with an Infinity of Temporal Matters in the *Civil Law*.

The Polity and Government of Universities, and so of Colleges, (to be hereafter shewn) is very much of the same kind with that of our Corporations or Commonalties of Towns and Cities here in *England*; I mean as to the general Direction and Management thereof; for there are two Rules necessarily to be followed therein: And *first*, that which respects the Administration and Conservation of their Rights and Privileges, Goods and Estates, &c. which give a Subsistence and Well-being to these Bodies, and the Discipline which they ought to observe, for the Maintenance of Order and Decency. The *second* is that which respects the Offices and Duties of those Persons who severally compose and make up these Bodies in their different Conditions and Stations.

As to the *first* of these, they have Laws established, and Rules approved by way of Statutes and other Ordinances; whether they regard the Manner of electing Persons who ought to take Care and see that the Discipline thereof be observ'd; and also to have a watchful Eye in the Preservation of their Rights and Privileges; and moreover to intend those whose Duty and Business it is to bear the several Offices in such Corporations; or whether they regard the Administration and Management of their publick Revenues, &c.

As to the *second* of these Rules, it may be reckon'd two-fold; *first*, as it concerns the Duties of Persons presiding over others, for the good Government and Discipline of these Houses

ses and Schools of Learning ; and *secondly*, as it relates to the Conduct of Lecturers and public Professors, (for there must be of these in all Universities) how they demean and behave themselves towards the Publick in regard to their Offices.

There are also other Rules, which concern each particular Faculty, as touching the Time and Method of Study, the Examination of Students, and the giving of Degrees, &c.

And as all Universities have their Magistrates and Governors set over them, to enforce the due Observance of their Statutes, Rules and Ordinances ; and also Professors to instruct and teach the Youth committed to their Charge, in human Learning, and a religious Education ; so likewise have they peculiar Privileges granted unto them, distinct from the General and Common Laws of the Realm ; and this being for the greater Ease and Quiet of Scholars, in respect of their Studies, doth in a manner become essential to the Well-being of an University : *Exempli gratia* they have Courts of Judicature proper for the Hearing and Determination of all Matters and Disputes, whether Civil or Criminal, arising among themselves, or wherein one of the Parties litigant enjoys as a Member the Privileges of the University ; and from these Courts they cannot be called to the general Tribunal of the Prince, unless in some special Cases hereafter to be observed. And a learned *German Lawyer* has brought no less than 42 good Authorities in Law, to prove, that Universities have a peculiar and distinct Jurisdiction within themselves ; and that other Judges have nothing to do with their Sentences. " The peculiar Jurisdiction " of Universities has had the general Consent " of the most civilized Nations, ever since U-
" niversities

Catbman.
Resp. Acad. 1.

“ niversities have been erected in them, as ap-
 “ pears by the Constitution of *Frederick* the first *A. D. 1158.*
 “ to that Purpose ; by which all Differences a-
 “ mong Scholars were to be decided, either by
 “ their own proper Officer, or by the Bishop
 “ of the Place : Which Constitution has not on-
 ly been generally received, but so understood,
 as to exempt them from the Jurisdiction of tem-
 poral Courts, as appears by *Baldus*, *Accursius*, *Bald. in Au-*
Scipio Gentilis, *Rebuffus*, and others ; and *Rebuff-* *then. C. l. 4.*
scius gives the true Reason, *Ne à studiis advocen-* *Tit. 13. Ac-*
tu propter lites alibi motas. In the University of *curf. ibid. Sch-*
Paris, he saith, That he was looked upon as a *pio Gent. de*
 Monster, who being a Member of the Univer- *Jurisd. l. 3.*
 sity appealed to other Courts, and it was then *c. 17. Rebuff.*
 Perjury in any such so to do, especially where *de privilegiis*
Schol. l. 157,
 Appeals are forbidden. *158.*

There are many other Privileges, which all Universities are in Possession of, as well of common Right as by particular Grants and Indulgences, too needless for me to remark in this Place ; because I shall recount them at large, when I come to speak of the Privileges of the University of *Oxford*.

The liberal Arts and Sciences taught in Universities, are the general Studies of *Divinity*, *Law*, and *Physick* ; and such others as are especially conducive hereunto, as *Logick*, *Rhetorick*, *Grammar*, *Ethicks*, *Natural Philosophy*, *Metaphysics*, &c. And to these three general Studies or Sciences, every Scholar therein is of the Faculty, and under the Denomination of a Student in *Divinity*, *Law* and *Physick* ; and the Reason of this is, because now they proceed to no other Degrees of Honour in Respect of their learning therein, as they did heretofore in *Rhetorick*, *Poetry*, &c.

In the Study of the Law, which in Point of Honour immediately succeeds that of Divinity; the Study of the *Civil* and *Canon* Law chiefly obtains; because these Laws are principally establish'd upon Rules of natural Equity, and the last of them on many Texts of holy Scripture, and so by consequence more universally adapted to the Genius of private Affairs, and of publick Government, as is well known and acknowledged by Experience in foreign Parts.

I should here proceed to speak of other Sciences besides the Law, as they are taught and cultivated in all Universities, but that I have already exceeded the Length of an Introduction, according to the intended Bulk of this Undertaking; and therefore reserving many Matters to be treated of under their proper Heads, I shall conclude the same with this general Rule, essential to all Universities in the Manner and Form they are now upheld and understood, *viz.* That they must have their Magistrates and Officers to intend the Learning and Discipline thereof; they must also have Laws and Statutes, whereby they are to be govern'd and directed in point of Behaviour, &c. and likewise Lecturers and Professors, to instruct the Youth, and finally a Power of conferring Degrees according to the Laws and Statutes of each respective University: For without Degrees, which are the Honourable Badges of Learning, some maintain there can be no University; but of this more hereafter.

And thus much for Universities, Academies, and publick Schools in general. In the succeeding Work I shall employ my self in speaking of the University of *Oxford* in particular: And first, in the Way of an Historian, since many of its ancient Rights and Privileges do very much

much depend thereon; and *secondly*, as a Lawyer, in the Defence and Maintenance of all such Rights and Privileges, as have been granted from time to time, as well for the Advantage of Colleges in particular, as for the Ease and Benefit of the University in general, shewing some Regard in the second Part to the public Buildings of this Place, and also to their Founders and Benefactors, &c.

CH A P. II.

Of the Antiquity, past Government, and Sufferings of the University of Oxford, from the Danes, Saxons, &c.

IN treating of the University of Oxford, famous for so many Ages past, on the Score of Religion, Learning and good Manners taught therein, I shall begin the ensuing Part of this Work with its Antiquity, which has employ'd the Pens of many eminent Writers; and in the Way of an Historian, deduce its Beginning (according to the Thoughts of some learned Antiquaries) from the most early Times, soon after the Christian Religion was peaceably settled in this Island. Some Writers (I confess) refer the Beginning of this celebrated University, to the Age next succeeding the Destruction of *Troy*, and to one King *Memprick*, I know not whom: for (says *Middendorp*) the Studies of Learning flourish'd here, ever since those excellent Philosophers, with the *Trojans* coming out of *Greece* under the Command of *Brute*, entred and settled in *Britain*. Nor is he a less Friend to *Cambridge*, by ascribing the Foundation of that University to King *Cantaber*, a Spaniard, driven out of his own

own Country by his Subjects, 375 Years before the Birth of our Saviour, and coming hither in the Reign of *Gurguntius*, was receiv'd with great Humanity by the Inhabitants of the Island; and as a perpetual Monument of his Gratitude to the *British* Nation, procur'd and brought several Professors of Learning out of *Greece*, and transplanting them thither, consecrated that Place as a Seat to the Muses.

This Opinion, tho' it may seem fabulous and incredible to some, I shall neither endeavour to refute or confirm, but leave it to the wild and extravagant Belief of those, who can please themselves with such Accounts of Antiquity; yet as wild as it appears, it has met with its Supporters, pretending to fortify themselves with solid Arguments in Defence thereof.

Nor can I with a more ready Faith adhere to the foregoing Legendary Account of the Rise and Beginning of the University of *Oxford*; for 'tis probable, that both these Traditions, touching the Commencement of these two Universities, long contending with each other on the Score of Antiquity, were at first the Inventions of the *Monks* receiving their Education in these respective Schools of Learning, and were afterwards imposed on the World for the sake of Victory.

*Afferius Mene-
vensis Eper.*

A. D. 440.

Others affirm the University of *Oxford* to have been first founded by *Arviragus*, a *British* King, according to *Juvenal*, under the Reign of *Domitian*, about 70 Years after our Lord's Incarnation; and that it was afterwards reduc'd into a Form of Government, by the Care and Policy of *St. Germain*, Bishop of *Auxerre* in *France*, who with *Lupus* Bishop of *Troyes* in that Realm, came into *Britain* to the Assistance of the Christians, in order to compose the new Divisions

in

in the Church, arising by the Means of *Agri-
cola*, a Disciple to *Pelagius*, the Monk of *Ban-
gor* in *Flintshire*, who had propagated his Here-
sy here, to the great Disturbance of the weaker
Christians, not able to withstand his Errors.

And as some have made *Arviragus* the Foun-
der of this University, with greater Appear-
ance of Truth indeed, than the foregoing Ac-
count of its Foundation by King *Memprick*
bears; so have others * made King *Sigebert* the * *Pitzberbert*,
Founder of the University of *Cambridge*, say- *Eachard, &c.*
ing, that this learned and pious King having
been taught the Christian Religion during his
Exile in *France*, and succeeding to the Crown
of this Realm, instructed the People in the
Faith of that Age, by the Preaching and La-
bour of *Felix*, a *Burgundian* Bishop; and in a
few Years, with the Help of some Teachers
out of *Kent*, he erected a famous School of
Learning, which some think to be the Univer-
sity of *Cambridge* then first founded: And A. D. 620.
those who maintain this last Opinion, urge, in
Defence of themselves, the Rescript of P. Ho- A. D. 624.
norius the First, saying, that this Rescript was
afterwards repeated and approv'd by P. *Sergius*
the First, *Martin* the Fifth, and *Eugene* the
Fourth: But this Beginning will not satisfy
some others, citing the Charter of K. *Arthur*,
sent and given to *Cambridge*, for which Char- A. D. 531.
ter, and others, see *Appendix*, p. i, 2, 4.

But I will no more contend for the Certainty
and Exactness of the two last Accounts, than
for the Truth of the former; tho' 'tis probable
that the University of *Oxford* was founded soon
after this Kingdom embrac'd the Christian
Religion, altho' we cannot fix the particular
Age of its Institution; for in the Papal Con-
firmation of it, under the Pontificate of *Martin*
the

Leland.

the Second, the same was then styled an antient Academy or University.

*A. D. 886.
M. Paris.
Florilegus,
Rossi, &c.*

'Tis true, some Historians aver it to be with this Pope's Permission, that K. *Alfred* (whom I shall have frequent Reason to remember hereafter) being zealous for the Faith, and the Propagation of it here in *England*, at the Advice of St. *Neot*, founded this University, the *English* Schools being then under an Interdict, on the Account of certain Heresies crept into the Church, in the Infancy of Religion.

But relying on the best Authorities, we shall only find K. *Alfred* to have been the Restorer of Learning here : for National Affairs in his Reign being reduc'd to a peaceable State and Condition, he promoting all things, that might either tend to the Honour or Advantage of his Subjects, proceeded to many Regulations ; and notwithstanding Letters were at so low an Ebb in the Kingdom, that few on the South side of the *Humber* cou'd read *English*, and scarce a Priest understood the *Latin* Tongue, he order'd *Gregory's* Pastoral to be translated into *English*, and sent a Copy of it to every Bishop : And for the further Advancement of Knowledge, sent into *France* for *Grymbald*, and *John* the Monk, whom he plac'd at *Oxford*, restoring this University to its Pristine Glory : for by the heavy and continual Wars of the *Romans*, *Danes*, and *Saxons*, Learning was almost abolish'd and destroy'd in *Britain*.

*Bromp. Chr.
Col. 814.*

And as K. *Alfred* before, by his wise and pious Care of Learning, restor'd the University of *Oxford*, so K. *Edward* the Elder his Son, after the Father's Example, and by the Help of P. *John* 21, and Archbishop *Pblegmund* ; and thro' the Advice of all the Bishops and great Men of the Realm, restor'd the University of *Cambridge*,
con-

confirming to the Doctors and Scholars therein, and also to their Servants, all the Privileges granted by himself or his Predecessors, to endure for ever by a perpetual Succession, as the Contenders for the greater Antiquity of Cambridge say, it appears by the Copy of a Charter still extant among them. Whether there ever was such Charter, some have doubted; and others strenuously deny'd this to be an Authentic Copy, for a Reason alledging the Transmission of Charters made by the University of Oxford to Cambridge, at K. Edward II's Command, after the Conquest: For till that time, 'tis confidently reported, (tho' I think without any Truth) that the University of Cambridge had no such thing as a Royal Charter; Edward II. in his Charter granted them to that University, writing thus, viz. *Causamus pro nobis & heredibus nostris, quod predicti Cancellarius, Magistri & Scholares ejusdem Universitatis, & successores sui, in perpetuum habeant ibidem omnimoda talia libertates & privilegia, quæ per nos & Progenitores nostros Cancellario & Universitati Oxon. sunt concessa, in eadem Universitate Cantabrigie perpetuis futuris temporibus extendenda; & quod de dictis privilegiis & libertatibus fiant eisdem Cancellario & Universitati Cantabrigie Littere patentes sub magno sigillo nostro de singulis hujusmodi privilegiis mentionem facientes*. Then the said King caus'd the Statutes and Privileges of the University of Oxford to be transcribed and sent to Cambridge, together with the Letters Patents, and afterwards wrote to P. John 21. for the Confirmation of the University of Cambridge, confirm'd by his Pontifical Bull cited in the Appendix, p. xvi.

Some Writers affirm, that before the Reign of Edward, King of the East Angles, there were

*Eacbard's
Hist. of Engl.
p. 78.*

were two Places of *general Study* here in *Englaed*; the one for the instructing of Youth in the *Latin*, and the other in the *Greek Tongue*: the last of these Places is. said to have been founded by the *Grecians* at *Greglade* or *Greccalade*, now call'd *Kirklade* or *Creeklade*, a small Town in *Wiltshire*: and the other was at *Latinlade*, rightly call'd *Leccalade* or *Lechlade*, not far from *Oxford* in *Glocestershire*, which Place, say they, was founded by the *Latins* for the teaching of the *Latin*, as the other was of the *Greek Language*. In a little Narrative, call'd *Historiola Oxoniensis*, look'd on as an *Authentic Account*, we are also inform'd, that the *Britains* began an *University* at *Greglade*, which the *Saxons* remov'd to *Oxford*: But others on the contrary, think this to be a meer groundless Opinion, with whom I cannot agree.

P. 210.

K. *Alfred* only built here (according to *Fabian*) some Grammar Schools, with whom *Lanquet* seems to concur; who yet afterwards refutes himself, saying, that *Alfred* enfranchiz'd this Place with many Honourable Privileges; which is not probable he wou'd have procur'd for, and granted to Grammar Schools only. But, I think, we have undoubted Evidence to prove, that *Alfred* built three Halls here, then called by the Names of *Great University*, *Little University*, and the *Lesser University Hall*. Yet the *Oxford Antiquarian* avers it for a Truth from the Archives of *University College*, that he only founded one Hall here, under a three-fold Distinction of Professions or Sciences to be therein taught: But the best Opinion is, that he built three Halls (as aforesaid) in Number, all subject to one and the same Head; and herewith *Bale* and our best Writers agree; for in the most antient Registers and Statutes of the

Br. Twyne.

Uni-

University, mention is made of three distinct Halls of Learning.

K. *Alfred* dividing his whole yearly Income into two Parts, afterwards subdivided the first of these into other Portions, and gave the Third thereof to the Maintenance of his Scholars at *Oxford*. And thus as the Father restor'd the University of *Oxford*, and enlarg'd it with publick Buildings, which it wanted before his Time : So his Son *Edward* already remembred, by Right of Inheritance succeeding to his Father's Kingdom, restor'd the University of *Cambridge*, which with other Universities had then been for a long while under the Rubbish of Antiquity, in a State of Desolation, and commanded Halls to be built there, for the Use of Students, at his own Expence. And as a Nurser up of the Clergy, he placed therein the Chairs and Seats of Doctors and Masters, sending for Masters of Arts and Doctors in Divinity from *Oxford*, and formally invited them to read and teach at *Cambridge*. *Tho. Radburne* in his Chronicle of *Hyde Abbey* at *Winchester*, (where *Alfred* and his Son *Edward* lie buried) and which Chronicle *Ross* says that he had seen, mentions the same. And in this flourishing Condition were our two Universities left at the Death of K. *Edward* the Elder.

But such is the Change of human Affairs, and the merciless Enmity which War ever bears to Learning, that these two Schools of Study cou'd not continue long in a tolerable Degree of Splendor, nor enjoy a secure Peace ; but like other Places of Note and Reputation, suffer'd the various Traverses of Fortune, and were subject to the Ravages and Depopulations of the *Dans*, *Saxons*, *Normans*, and other barbarous People attending their Camps.

For

Pitfaus de Acad. Oxon. l. 5. p. 32. Knighton, &c.

For within less than 150 Years after K. Edward's Death, this happy Restoration Learning, by his Father effected at *Oxford* and himself at *Cambridge*, receiv'd several Shocks and Interruptions from these Barbarians: for we are assur'd that among the many Pillages committed by the *Danes* the Year 1002, or thereabouts, the two Universities of *Oxford* and *Cambridge* were both dreadfully consum'd and burnt by these People and from thence all Studies ceas'd in both the Places (as *Radburne* relates the Matter) for above 130 Years. But yet after this, *Oxford* was soon rebuilt, and the Scholars re-assembled themselves here: but then it was again destroyed by the *Danes*, to revenge a general Massacre committed on them not long before, the Instigation of K. *Ethelred*, who to put an end to all their Power at once in *England*, resolv'd on a general Slaughter, and with the utmost Secrecy sent Letters into all Parts, commanding all his Subjects at a certain Day and Hour, to set on the *Danes*, wheresoever they found them, and to destroy them all without Compassion: Which Royal Commission was executed with more Cruelty at *Oxford*, than elsewhere: for great Numbers of them here flying to the Churches, were all slain without Mercy as they stood embracing the Altars.

The Consequences of this horrid Carnage were very terrible, not only to the Citizens bearing a great Share in this bloody Tragedy; but also to the Scholars of the Place, who were afterwards on Surprise assaulted by the *Incensed Danes*, and almost every one of them butchered in the most inhuman Manner: Some few indeed by concealing themselves, made a Shift to escape the Rage of this unrelenting People, but immediately

diately thereon forsook their Residence here ; and by this Means the Place was left void of Students for some Time. Nor were the *Danes* the only Persons disturbing the Peace and Quiet of the Muses here ; for even in the *Saxon* Age, remarkable for the continual Ruin and Subversion of Towns and Cities, this Place suffer'd the common Fate of others ; and for many Years, till K. *Alfred's* Time, was famous for nothing, but the Relicks of St. *Frideswide*, a Virgin of high Esteem for the Sanctity of her Life, and first reputed a Saint, for that when by a solemn Vow she had devoted her self to the Service of God, and a single Life; Earl *Algar* courted her for a Wife, and pursuing her in Flight was miraculously struck blind, as the Story goes. This Lady (as we read) built here a religious House, as a Trophy of her preserv'd Virginity, into which several *Danes*, flying for Refuge, from K. *Ethelred's* Sentence (as just now intimated) were destroy'd by the *Saxons* and their Adherents, and the House burnt with them : But afterwards, the penitent King cleansed the Sanctuary, rebuilt the Monastery, restor'd the old Indowments, and added new Possessions ; and lastly, *Rog. Bp. of Sarum*, gave the Place to *Wimund*, a learned Canon Regular, who settled there a perpetual Society of Regular Canons for Divine Service, according to the Whim of those Times, of which hereafter.

*Balliolen. Poly-
chron. Johan.
Capgrave, &c.*

A. D. 700.

*W. Malmesbur-
iens.*

A. D. 1004.

But scarce were the Scholars return'd to *Oxford*, on the Encouragements of *Athelstane*, *Edmund* surnamed *Ironside*, and *Canute* the *Dane*, (the first of that Nation in whose Reign here, the Affairs of the University receiv'd any Comfort) but that *Harold* call'd *Lightfoot* immediately succeeding to the Crown, and being much

A. D. 1036.

Leland, Tom. 4.
p. 199.

incens'd against the Place, on the Account of some of his Friends slain here in a Tumult, prosecuted his Revenge in so barbarous a Manner, that the Scholars were miserably banish'd and driven from their Studies; and the University it self being made a sad Spectacle, lay almost expiring till the time of the Conquest.

But to give a further Character of *Canute*, that great Patron of Religion and Learning, in the time of his Life; who by his good Disposition to each of these Perfections, did well acquire to himself the Name of a *Macenas* from all the *Devotees* to Literature; and hereon it came to pass, that he erected publick Schools in many Towns and Cities of the Realm, and endowed them with Stipends issuing out of the Royal Exchequer; which he commanded to be open'd for the Sons of the Nobility as well as of the Commonalty, there to be maintain'd and educated in a more profound part of Learning: Besides, this King was so great a Friend to our University, that living here he call'd together the Estates of the Realm, assembled here for the Confirmation of K. *Edgar's*, others say, the Laws of K. *Edward* the first, which at the King's Command the Scholars translated out of the *Saxon* into the *Latin* Tongue.

A. D. 1042.
Lambard in
Archainom. E.
dit. 1568. fol.
126. b.

The next Person to be celebrated with us, for his favourable Inclinations to Learning, is *Edward* the Confessor, a Man of great Justice and Piety, who, by an Edict declar'd and establish'd, that all the Scholars Goods, howsoever embezled and perverted, should be fully return'd to their ancient Owners; and by this King's Laws, the University was entirely restor'd to all its Stipends formerly granted by K. *Alfred*, and lately lost by the Rapine of *Harold*; and these were the first Symptoms of
Life

Life in this University, after a Languor of many Years under a Complication of Ignorance and Barbarism.

I should now proceed to the Reign of the Conqueror; but that I must step back a little and consider this, as an *University* or Place of *general Study*, before K. *Alfred's* Time; which no one will doubt of, who shall reflect on the Differences betwixt this King's and the ancient Scholars of the Place; as may be seen in *Asserius Menevensis*, who says, that a sharp and dismal Contest arose between *Grymbald* and the learned Men brought hither by him, and the old Scholars found here at his coming hither; who absolutely refus'd to submit to the Statutes, Institutions and Forms of Reading prescrib'd by him; which Difference for three Years did not proceed to any great Height; but this private Enmity between them afterwards broke out with the utmost Violence imaginable, appearing more clear than the Light itself. To appease these Feuds, K. *Alfred* being certified thereof by *Grymbald's* Complaint, immediately came to *Oxford*, with a Design to adjust the Matter, and patiently submitted himself to much Pains, in hearing the Complaint and Cause of both Parties. The Controversy depended on this, *viz.* The old Scholars maintaining, that Learning flourish'd here before *Grymbald* came, tho' the Students were then less in Number than formerly, through the Expulsion of many of them by *Pagan* Tyranny; further declaring and proving, from the undoubted Testimony of their Annals, that good Orders and Constitutions had been already made for the Government of the Place, by Men of great Learning and Piety, as *Gildas*, *Melkin*, *Nennius*, *Kentigern*, and others; who

De Vita & Gestis Aluredi,
Edit. 1602.
P. 16.
A. D. 886.

had there prosecuted their Studies to a good old Age, and had the quiet Administration of Affairs here: And about this Time *St. Germai* coming to *Oxford*, in his Passage through *Britain*, in a wonderful Manner approv'd the afore said Orders and Institutions. The King with great Humanity and Attention heard out both sides, exhorting them often to preserve Peace and Amity with each other, and hereon let them, in Hopes that they would mutually follow his Advice, and obey his Instructions: But *Grymbald* resenting these Proceedings, immediately retir'd to the Monastery at *Winchester* lately founded by *Alfred*; and soon after procur'd his Tomb to be removed thither to him in which he design'd his Bones should be put after his Death, and plac'd in a Vault under the Chancel of *St. Peter's Church* in the East, at *Oxford*, which *Grymbald* built with Stone hewn and carved with great Art and Beauty.

As this *Grymbald* was an eloquent Man, and a most excellent Interpreter of the Scriptures so was *St. Neot*, an eminent Professor of Theology at *Oxford*, being both Regents and Readers in *Divinity* here. *Grammar* and *Rhetoric* were taught here by *Affer* the Monk, a Man of extraordinary Parts: *Logick*, *Musick*, and *Arithmetick*, were also taught by *John* the Monk of *St. Davids*; and *Geometry* and *Astronomy* by *John* (a Monk and Colleague of *Grymbald's*) Person of great Knowledge in those Sciences and their Lectures were often honoured with *King Alfred's* Presence, whose Memory for Learning will be ever sacred to future Generations.

As some affirm *Memprick* to have founded this City, and open'd an University here, already remembred; so others will have it that *Vertigern*, King of the *Britains*, was the Restor

rer of Learning herein : but not relying on the Credit of such Historians, I hasten to speak of this University in the Reign of the aforesaid *William* the Conqueror ; wherein we are informed, that this King, having heard what was done in the North, swore, that he would quite exterminate the *Northumbrians* ; and to that End, resolving to march against those Rebels, who were join'd by the *Danes* at *York*, he was forc'd to go a little out of his Way ; for that the City of *Oxford* had at that time rebelled against him ; but as soon as he besieg'd it, he took it ; for part of the North side Wall falling down (as some say) of its own Accord, it gave an easy Entrance to all his Troops : But *Hen. Knighton*, *Hollingshead*, *Speed*, and others, will have this to be *Exon*, and all Persons writing thus were impos'd on by faulty Copies.

However, the City was now so much impoverish'd, that whereas (according to the general Survey) there were reckon'd within and without the City Walls, 750 Houses, besides 24 Mansions on the Walls ; 500 of them were not able to pay the *Geld*, tho' this City heretofore paid for Toll and Gable, and other Duties to the King *per Ann.* 20 *l.* and 6 Sextaries of Honey, and to Earl *Algar* 10 *l.* which had afterwards the Denomination of the Fee-farm Rent, withheld from *K. Edward* the first for certain Reasons hereafter mentioned, (if any true) whereupon he consign'd to his Exchequer the Clerkship of the Market, and demised the same, as the Reader will find in the third Part, under the Title of the Market.

K. William, jealous of the Fealty of this Place, and the adjacent Parts, caus'd *Robert D'Oy*, a *Norman*, who had receiv'd a large Portion of Land from him, in this County, as

a Reward of his Services, to build a Castle on the West side of the City, fortified with large Trenches and Ramparts, in order to repress the Insolence of the Inhabitants, and the neighbouring Villages ; and in this Castle he erected a Parish Church dedicated to *St. George*, to which the Parishioners not having Access, when *Maud* the Empress was besieged herein by King *Stephen*, the Chappel of *St. Thomas*, hard by, and Westward from the Castle, was built for that Purpose : But some will not allow this to have been built as a Parish Church, because the *Osney* Register expressly says, that the Founders therein instituted secular Canons of the *Austin* Order. *Rog. de Iveri* being mentioned as a Co-Founder, who, with the aforesaid *Rob.* endowed this House of Canons with certain Revenues issuing out of their Baronies, and with other Lands and Possessions, as you may learn from

See *Appendix.* the Deed of *Rob. D'Oily*.

p. v.

That there were Scholars here in *Oxford* at this time, tho' *Londonensis* strenuously denies the same, very plainly appears from the antient Statutes of this Chappel or College of *St. George* aforesaid, frequent mention being made of the Fellows and Tutors, and also of the Commoners and others therein residing ; in which Statute there is this Provision made ; that all the Clerks, *i. e.* the Scholars, should eat and drink in the Presence of some one of the Canons ; which Canons were afterwards, in *K. Stephen's* Reign, translated from hence to *Osney* Abby, and the House it self after became an Hostel or Inn for secular Students, subject to the Jurisdiction of the Chancellor of the University.

Rob. D'Oily is suppos'd to have beautified and repair'd the Walls of this City, at this Time sensibly decay'd ; and from hence it is sufficiently

Ch. 2. of the University of OXFORD.

ently shewn, that the same was walled in long before the Conquest, or (at least) for some Time.

But from the Castle and City it self I return to K. *Alfred's* Scholars, at first despoil'd of their Exhibitions settled on them by *Alfred*, and injuriously treated by the Conqueror; for endeavoring with all his Might to extirpate and destroy the *English* Tongue, and unwilling to have Christianity any longer preach'd in the vulgar Language, which the Clergy and Scholars here as earnestly contended to preserve, he retracted and withdrew the Pensions and Stipends granted to them by *Alfred*, and issuing from the Royal Exchequer, which forced the Scholars of this College or Hall to live only on the Benevolence and Devotion of those Persons, as were the sticklers for the *English* Tongue; which they did till such time as this College or Hall was afterwards endowed: Yet notwithstanding this Act of Resentment, he ratified the Laws of *Edward* the Confessor, made so much in favour of this University.

The *Jews*, at this time, very much frequenting *Oxford*, amass'd together great Riches, and the chief Parts of the City soon purchas'd as many Houses in *St. Martin's*, *St. Edward's* and *St. Aldate's* Parishes, as gave them the Names of the *Old* and *New Jewry*; and in one of these they built a School or Synagogue, wherein learned Masters of that Nation taught the *Hebrew* Tongue, and explain'd the Dogmas of the Rabbies to the Advantage of the Students in the University: And herein they were also to perform their Sacrifices and other divine Ceremonies according to their own Mode of Worship; this we often find call'd the *Jewish School* at *Oxford*; but their Burying-place was

without *East-Gate*, where now the *Phylick Garden* is situated, a manifest Indication whereof appear'd when the Foundation of the Garden

- A. D. 1642.* Walls were laid ; as it also did when the Rampire was built between the Eastern Bridge and the North side of the Wall, when many Bones of each Sex, and of all and divers Ages, were found by digging here. Besides, contiguous to the *Jewry*, and behind the *Blue Boar Inn* in the inner Court, or near thereunto, they had a House call'd the *Converts*, where such as had been induc'd by the Industry of the Dominicans their Neighbours, to embrace Christianity, were wont to be lodg'd and supplied with all Manner of Necessaries. These Persons were banish'd the University, at the same time as the rest of their Nation were driven out of *England*, on the Account of their several Crimes committed here and in other Parts of the Realm : I shall now relate the chief of them done
- A. D. 1244.* at *Oxford*, viz. First, there now arising very grievous Disputes between the Scholars of this Place and the *Jews*, whether in Respect of their excessive Usury or not, is not well known : On *Candlemas Day* there happen'd a great Robbery to be committed on them, in the *Jewry*, by plundering their Houses, and taking from them great Sums of Money ; for which 45 Scholars were committed to Prison ; but yet, at the Instance of *Rob. Grossthead*, then Bishop of *Lincoln*, they were all set at Liberty by Royal Command ; for that no one appear'd against them to charge them with any Breach of the Peace, or any other Crime. Yet some say, the Occasion of this Robbery was the high Interest of Money, with which they oppress'd both the Scholars and Citizens. 2dly, That in a solemn Procession to the Relicks of *St. Frideswide*, wherein

wherein the Chancellor and Scholars were attended with all the Parochial Priests and Commonalty of the Town, the Jews treated the holy Cross, carried before this Solemnity, with many Indignities; in particular, a certain Jew of the most projected Impudence, mov'd thereinto by the Perswasion of some of his Nation, snatch'd the Cross out of the Hands of the Bearer, and in contempt of our Saviour, throwing it on the Ground, trampled on it. To punish this impious Affront, as soon as 'twas made known to the King by his Son *Edward*, then at *Oxford*, a Writ was forthwith sent to the Sheriff, commanding him to arrest and imprison all the Jews here, and likewise to seize all their personal and real Estates, and keep them for the King's Use, till they found Sureties for themselves, to undergo the Pains inflicted on them; and their Punishment was, first, to erect a marble Cross, of an august Size and perfect Workmanship, to be set up on one side of *St. Mary's Church*, with our Saviour thereon, which they afterthere exhibited, gilt all over. 2dly, They were to present a portable Cross of Silver gilt, with a Staff fitted to it, (such as our Archbishops were wont to wear before them) to the Proctors, to be carried before the Masters and Scholars at every solemn Procession. Their Thoughts were constantly employ'd in finding Ways to escape such an Expençe, to be finish'd before *St. Edward's Day*, (the Day before the Epiphany) and tho' they had convey'd over all their moveable Goods to certain Friends, before they were imprison'd; yet this did not avail; for the King ordered the Mayor of the City, together with the Bankers, in whose Hands their Money lay, to consign them to the Sheriff in Execution of the Royal Mandate;

date; and after the Money was collected and brought to the King, because a Cross could not be erected in the Place, where the Impiety was committed, without Damage to some of the neighbouring Inhabitants, the King would have it built opposite to the *Jewish* Synagogue; But even this Place seeming inconvenient to the King and his Council, he order'd it to be plac'd near *Merton* College, just by *St. John Baptist's* Church. 3dly, That the Jews at *Oxford* counterfeited the Abbot and Convent of *Osney's* Seal, when *Rog. of Coventry* was in that Office, and this they did to the great Damage of the *Abby*. 4thly, They refus'd to yield any Obedience to the Chancellor of the University, and to acknowledge his Jurisdiction over them; and as little Regard did they shew to the Sheriffs Power and Authority. 5thly, They entic'd the younger Students of the University, and the Townsmen's Children, to follow their Religion, and forced them to undergo their Symbol of Circumcision. And these were some of their chief Crimes committed here; others of an inferiour Degree I pass by in Silence.

Wm. Burnell.

When they were banish'd from hence, many of their Houses escheated to the King, and were afterwards granted to the Provost of *Wells*, and their Books fell into the Scholars Hands: among whom there was then *Rog. Bacon*, well vers'd in the *Hebrew* Tongue, after whose Death they fell to the Library of the *Franciscan* Friars, (of whom I shall speak hereafter, when I come to treat of that Locust of Religious Orders infesting this Place) and were there consumed by Worms, &c. And thus I have done with the *Jews*, almost the only People who vex'd the Quiet of the Students here, from the Conqueror's Reign till the Year 1209, which open'd

open'd a Scene of new Troubles between the Scholars and Townsmen of this Place; and shall be, with other Matters, the Subject of the following Chapter.

C H A P. III.

Of Domestick Troubles and Disturbances arising within the University of Oxford, between the Students, Citizens, &c. from the Conquest until the End of King Hen. III's Reign.

THE Mayor and chief Magistrates of Oxford *A. D. 1209;* this Year, not being able to find out a Scholar or Clerk, (for so were all Scholars now called) who happen'd to kill a Woman here, apprehended three of the Students, and straitways hang'd them up at the Town's End, without any Tryal or Examination: Whereupon, the other Scholars being alarm'd, forsook the Place, to the Number of three thousand, *Stow's Chron. p. 168, &c.* and return'd not again till some Time afterwards; but repairing to Cambridge, Reading, and Maidstone in Kent, studied there, and left the University naked of Students: This was in the 11th of K. John's Reign, who (as *M. Paris* observes) was displeased with the Scholars for having Recourse to a Papal Interdict. But on the Discovery of this Fact, it appear'd, that the Citizens had behav'd themselves very maliciously towards the Scholars; and therefore soon after came to the Pope's Legate then at Westminster, and ask'd Pardon for their rash Offence in hanging so many Scholars; yet a Penance was enjoin'd them, "to go to all the City Churches, with Whips
" in

“ in their Hands, bare-footed, and in their Shirts,
 “ and there pray the Benefit of Absolution
 “ from every Parish Priest, repeating the Peni-
 “ tential Psalm; and to pay a Mark of Silver
 “ *per Ann.* to the Scholars: which the Towns-
 men resenting, gave a Portion of Land, called
Middenham, near *Oxford*, on Condition, that the
 Abbot of *Osney* did yearly pay to the P. of St.
Erideswide, a Mark to the Use of the Universi-
 ty for this Grant; and lastly, that they should,
 on every St. *Nicolas's* Day, entertain 100 poor
 Scholars *honestis refectioibus*, the Abbot of *Eve-*
sham yearly paying 16 Shillings towards this
 Festival Expence.

By the Number of Students withdrawing
 themselves from hence on this Occasion, it ap-
 pears that the State of the University now flour-
 ish'd; as it also does from a Tax impos'd on
 Houses, in the City and Suburbs thereof: For
 whereas heretofore only 20 *l.* and 6 *Sextaries* of
 Honey *per Ann.* were paid for Toll and Gable:
 the Citizens now, on the Increase of their Hou-
 ses being full of Scholars paid 60 *l.* which was
 chiefly owing to the Encouragement of our
 King *Hen.* from his Proficiency in good Letters,
 surnamed *Beauclerk*, who erecting a Palace here
 for the Residence of our Kings, gave so high a
 Reputation to this Place, that in succeeding
 Ages, a prodigious Multitude of Scholars flock'd
 hither from all Parts of the learned World.
 The Ground whereon this Palace stood was an-
 ciently call'd the *Beaumonts*, from its Situation
 on a fine Hill, which Time has since level'd,
 tho' the Ground still retains its Name to this
 Day. The Building of this House here by this
 King, refutes a receiv'd Notion of his being a
 Student at *Cambridge*; whereas (besides) 'tis
 well known, that the learned Harvest (as Wri-
 ters

A. D. 1068.
Doomsday-
Book.

ters term the Restoration of Literature in that University) was not carried to that *Barn* by the Monks of *Crowland*, till this Prince was advanc'd to the State of Manhood : And 'tis more probable, that he studied at *Oxford*, by the many Favours shewn hereunto in his Grants of Privileges, tho' since lost, yet remembered in the Charters of succeeding Princes, given to this University. During this King's Reign, there were many learned Men at *Oxford*, as *Walter A. D. 1099.*
Cade, Archdeacon thereof, *William of Malmes-* — 1104.
bury, *Celsus Archmachanus*, a Person well endued with all sorts of Knowledge, and *Rob. Ber-* — 1107.
tune, whom *Gervas* of *Cant.* styles the *Oxford Clerk*, by Way of Eminency ; this Man was through the Pope's Favour, made Bishop of *Hereford* ; and after his Death, on the Score of a holy Life, in a fair Way of being canonized for a Saint. Tho' there were many others of high Perfection in point of Learning, for Brevity's sake here to be omitted ; yet I cannot pass by *Wimund* the King's Chaplain, of great Letters — 1111.
according to those Days ; who purchasing the Advowson to *St. Frideswide's Church*, then in a decaying Condition, had himself presented to the Priory thereof ; and expelling all the secular Canons then married, chose Persons in the State of Celibacy into their stead ; and such especially as were of the Number of Students here ; and repairing its Buildings, visited all the Estates belonging to it ; and therein introduced the same School-Exercise as was then in Use in the University. *Leland* avers that Learning at this Time neither flourished at *Oxford* or *Cambridge* ; but if he had examin'd the Nomenclatures of Doctors and Masters, now living here in Reputation, on the score of reading Arts and Sciences, he might have soon found his Error.

Not

The Antient and Present State Part D

Not long after this, *Rob.* Nephew of the aforesaid *Rob. D'Oily*, finish'd *Osney-Abbey*, and transplanted the secular Canons of *St. George's College*, in the Castle thither, making them a Society of Regulars of the *Austin Order*; and soon after granted this House to be inhabited by Scholars (as aforesaid) of which they were in Possession till *Hen. VIII's* Reign. Some impute this Expulsion of the Seculars to a Controversy, arising between them and the Regulars here and at *Paris*, about the Dignity and Superiority of each Society. *Theobald Stamp*, a Master at *Oxford*, and a Governour of some Hall, in the behalf of the Secular Clerks, publish'd a Book against the Regulars, as others had done before against the Seculars: which *Stamp* had at once under his Tuition 60 or 100 Students, another Argument of the good Estate of this University, under the reigning Influence of this King's Abode here for the most part.

— 1134.

For the better Support and Encouragement of Learning, there now came hither from *Exeter* one *Rob. Pullen*, who for five Years read the holy Scriptures to the Students here, for some Time much neglected, and in a Manner disused in *England*; and every Lord's Day preach'd to the People; from whose Doctrine many of the *French* and *English* Church received great Advantage. *Leland*, highly extolling him for his Restoration of Learning, says, that he left no Stone unturn'd, in order to instruct the Youth in the learned Languages, by reading constantly to them in the publick Schools. But he was afterwards sent for to the *Roman* Court by *P. Innocent II.* his Fame reaching far and near; and by *P. Celestine II.* advanc'd to a Cardinalship; and then by *P. Lucius VII.* made his Chan-

Chancellor; by these and other Honours conferr'd on him here by the King, he was in so much Grace and Favour with the King and Pope, that he procur'd of them Bulls and Charters of Privileges, as well for the Government and Administration of the University, as for the Defence thereof; tho' these Privileges and Immunities are since lost, partly at the Time of the *Reformation*, and partly during the Ravages of the Barons Wars; yet some have doubted, whether there ever were such Privileges or not.

On the Death of *Henry*, our great Patron of *A. D. 1135* Learning, *K. Stephen* succeeding to the Crown, a Parliament was held at *Oxford*, to confirm the Royal Promises made at his Inauguration, about the *Investiture of Bishops, settling of Forest Laws, and remitting of Dane-gelt*, a Sum of Money formerly paid to the *Danes* for every Hide of Land in *England*, not to invade us. There was no doubt some Interruption given to the Students by this Prince's Death, and the Parliament assembled here, tho' it remain'd not long: But soon after a Civil War breaking out between *K. Stephen* and *Maud* the Empress, about their respective Rights to the Crown; *Maud* was received into the City to the Joy and Satisfaction of the Inhabitants, by *Rob. D'Oily*, the second of that Name in *England*; and the Day following, on a thorough View of it, she caus'd the same, together with the Castle, to be fortified; and lest she should be too sorely press'd, she order'd the same to be supplied with Plenty of Provisions, and warlike Stores, wherein many of the Scholars assisted; for the chief of the Bishops join'd with the Empress, looking on *Stephen* as an Usurper, and an Enemy to Religion and Learning. During these civil

civil Broils *Maud* was besieged in the Castle here, from *Mich.* to *Christmas*, but at last made her Escape in the dead of the Night, through all the Enemy's Guards, by the Means of her white Garments, and the Snow then fallen: the City being first subdued, and then the Castle reduc'd to the last Degree of Want: But such was *Stephen's* Resentment, that at his Departure from hence, in Pursuit of his Competitor, he caus'd the Town to be burnt to the Ground; yet, the same being rebuilt, he called a Parliament here to adjust these Differences, which was the third Parliament I find assembled here.

About three Years after this sad Event, the Scholars thereby dispers'd, and unhappily driven from hence, return'd again to their Studies and being encouraged by the Bounty of several Patrons of Learning, resum'd the Reading of Lectures to the young Students, according to the ancient Institution; *Sim.* of *Durham*, Monk of the *Benedictine* Order, and a Searcher into the hidden Recesses of Natural Philosophy reading therein, and discovering the Secret thereof, to the Admiration of his Disciples.

Passing by *Henry II's* Reign, as a Time which promis'd no Good to Learning, by reason of the Contests between him and his Clergy, I descend to the State of Affairs here, under King *Richard*, from his *Lion Heart* called *Coeur de Lyon*, who being born at the Royal Palace here had good Inclinations towards Letters; and hereupon he added many Privileges and Immunities to this Place, by Charters since lost and destroy'd, and now only appearing by Letters of *Inspecimus*, as the Lawyers stile them.

In these Times there came hither many Persons from beyond Sea, for the Study of the Law
Reign

al and Canon Laws, as there also did in the Reigns of K. Stephen and Hen. II. when *Vacarius*, a Lombard by Nation, and whom *Selden* celebrates for his great Skill in the Laws, read here and explain'd the same : For till K. Stephen's Reign the *Civil and Canon* Laws were unknown at *Oxford* ; nor were the *Pandects* or *Digests* rector'd, till the Year 1129. To *Vacarius* most of the Scholars here applied themselves, with great Thirst after this new kind of Knowledge, who, without Distinction of Quality, intrusted both rich and poor, reading to the Commonalty as well as the Nobility ; and afterwards, for the Poor's sake, collected nine Books out of the *Code* and *Digests*, for the Decision of their Causes. The Occasion of his Coming into *England* was to accommodate a Difference between *Theobald* Arch-bishop of *Canterbury*, and *Hen. de Blois* Bishop of *Winton*, the first claiming from the Pope, by virtue of his Office, to have the Legatine Power to him and his Successors ; and the last contending thus, to have it because it had been once granted to that See on emergent Occasion, it being ill administered under the Impotency of an Archbishop. And in the Time of *Vacarius*, the Study of the Law so far prevail'd at *Oxford*, among all Students there, and in other Parts of the Kingdom ; yea, so far it obtain'd, that the *Artists* resenting the sensible Decay of Learning in their Faculty, complain'd to the King thereof, and imputing many pretended Inconveniences to these Laws, maliciously suggested them to suit ill with the *English* Genius, and finally pray'd the King to impose publick Silence on *Vacarius*, and to inhibit him further Reading ; nay, so much Esteem did this Study gain among all Persons of Knowledge, giving Delight

and Satisfaction to all Men, in Point of sound Reasoning, that it almost extinguish'd Divinity it self.

A. D. 1190. There now happen'd a dreadful Fire at *Oxford*, whereby the whole Town was in a Manner consum'd, together with *St. Frideswides Church*; whereupon the Citizens being sufficiently warn'd both by this and the Fire in *King Stephen's* Reign, after the Example of *London*, resolv'd to lay a-side the Use of Board and Straw, and build their Houses with Stone and Slats; and the poorer sort not able so to build, were to have a Stone Wall between every 6th or 7th House. There were many Halls erected after this Fire, some cover'd with Lead, and others with Slat and Tile; and thus were they distinguish'd by the Names of *Leaden-Hall*, *Tile-Hall*, &c. as another was called *Glazen-Hall*, it being the first of the Halls adorn'd with Glass Windows.

—1180. I shall close this Reign with *K. Richard's* extraordinary Friendship to Learning, and especially to the Scholars of this Place, of this and of foreign Nations, maintaining many of these out of the Royal Exchequer: Nor had he less Affection for the City, where he was born, than for the University, where he had part of his Education, holding the same so dear to himself, that he granted to its Citizens many honourable Privileges, making their Mayor his Butler on the Coronation Feast, and giving to the City the Honour of two Aldermen (for *King Henry III.* added the other two) and incorporating them also into the same Rights and Liberties, and in as ample Manner as *London* then enjoy'd; which Dignity conferr'd on the Mayor, most of our succeeding Kings have since confirm'd with the additional Honour of Knighthood: And
the

the Citizens, in return for this Mark of Affection to them, that they might redeem him out of the Imperial Hands, being taken Prisoner and detain'd in *Germany*, rais'd and chearfully contributed a large Sum of Money; and this I mention, (tho' out of the Compass of my principal Design) to give a just Commendation due to such loyal Gratitude.

The State of Learning here, during his Reign, was checker'd with the Subtleties of the Sophists; for tho' School-Divinity now flourish'd to such a Degree, that the University of *Paris* began to look on this Place with an envious Eye; yet Philosophy was in Disrepute, and the Study of Languages almost exhausted by Barbarism succeeding in its Room. Indeed the Knowledge of the *Civil* and *Canon* Laws still kept its Ground, maugre the invidious Endeavours of the Artists to destroy it; and the University was so famous for Students in the Law and School-Divinity, through all the World, that if any Foreigner was known to have studied here, he was immediately (in his own Country) esteem'd a Doctor or Master thereof. Among the eminent Professors of Arts and Sciences resident here, in the Reigns of King *Stephen*, *Henry II.* and *Richard I.* appear'd *Alberick de Fer*, Earl of *Anjou*, for his Skill in the Laws Attorney-General to *Stephen* and *Henry II.* *Law. of Durham*, an experienc'd Lawyer, and an excellent Divine, who, returning from *Rome*, died in *France*, and was buried among the Monks at *Durham*. *Reg. the Infant*, a great Astronomer and Mathematician, read to the Scholars here, as did *Dan. Morlay*, a celebrated Mathematician. *Reg. Hoveden* was remarkable for his Researches into History and other Parts of Learning; which I particularly mention to re-

fute a groundless Error of *Middendorp* and others, averring the want of Letters here till *Edward* the first's Reign.

'Tis true, Learning was under a Cloud in *K. John's* Reign, a Time of known Madness and Folly, as well in this as in other Parts of the Realm; for besides the Insult committed on the Scholars afore-intimated, and the King's unjust Sentence then at *Woodstock*, for the Execution of many guiltless Persons; there settled now at *Oxford* several Orders of Monks and Friars, from *Spain* and *Italy*, under *St. Francis* and *St. Dominick's* Banner, for the pretended Propagation of the Christian Faith. For this Locust was so far from serving Religion, that they introduced a greater Blindness and Superstition into Mens Mind; and were rather sent to devour the vital Parts of Learning, than by Rays of Light to cherish the same, the Pope well knowing, that if Learning increas'd here, he should lose the Dependency of the *British* Crown; so that in this and the succeeding Reign, our Students were overshadowed with Darkness and Error, out of which they did not extricate themselves till the Day-break of *Wicklif's* Doctrine.

Besides, at the Beginning of this King's Reign, towards suppressing good Letters here, (as afore said) there happen'd a Recess of Scholars from hence on the Grounds of their ill Treatment above-mentioned, and the Pope to punish the Inhumanity of the Town, by an Edict, forbad all Academical Exercises here; yet notwithstanding this Papal Mandate, some of the Masters, not regarding its Authority, read to the Scholars remaining here; for which they were after severely handled by the Pope's Legate, and debarred the Power of Reading for three Years together.

This

This Procedure of the Pope (for now was the University under the supreme usurp'd Jurisdiction of the *Roman Court*) struck such a Terror into all the Citizens of *Oxford*, under Oppression of Grief for the Loss of Trade and Want of the Scholars Rents for their Hostels; that when the Legate came into *England*, they in the humblest manner applying themselves to him at *Westminster*, deprecated their Crime, and prayed Absolution from the Apostolick See; which with much Difficulty obtaining, they were again received into the Bosom of the Church, (being excluded thence by a Papal Interdict) on the Conditions of Penance already remembred, which they performing, were accordingly absolved; yet in the said Legate's Bull there is a severer Punishment recorded, which, by virtue of this Bull was deriv'd down to Posterity. For they were hereby to remit a Moiety of the Rents of all Houses letten to Scholars, for ten Years ensuing the Feast of *St. Michael*, and then all Hostels were to be *sub Mercede Cleri taxatâ*, i. e. letten according to a Rent tax'd by Scholars, for the next ten Years following, &c. for which Bull see the *Appendix*.

Hereupon the Scholars returning to *Oxford*, reported this Matter and its Consequences to the King; who on their Complaint, that the University needed larger Privileges (as aforesaid) repenting of his rash Proceedings against them, granted them several Privileges and Immunities; and (among others) that they should not be oblig'd to appear at any foreign Court of Judicature, but that the Chancellor of the University should have the Cognizance in all Causes and Matters whatsoever, wherein a Scholar or his Servant shall happen to be one of the Parties litigant.

A. D. 1212.

This King about four Years before his Death, came to *Oxford*, with a Resolution of meeting his Barons in a Convention then call'd here ; but they disobeying his Summons, declar'd they would stay at *Brackley* in *Northampton-shire*, till such Time as he had confirm'd the Laws of *Edw.* the Confessor, and their noble Liberties ; whereupon a Civil War ensued, giving great Disturbance to the Students here. But after this Prince's Death, and the Legate's Departure out of the Realm, the Citizens soon forgetting their late Obligations, return'd to their antient Frauds and Oppressions, in Taxing their Houses ; for under a Pretext of the Legatine Constitution, they tax'd some primarily belonging to Religious Houses, as appertaining to the Citizens *pleno jure* ; all which Frauds *Guallp*, another Papal Legate, sent into *England*, at the Beginning of *Hen. III's* Reign, and coming to *Oxford*, on due Examination of the Scholars Complaint, redress'd by another decretal Bull made for that purpose ; and so for about 12 Years the University and City remain'd in Peace with each other. But then arose a sharp and dismal Conflict between the Scholars and Townsmen, insomuch that the latter, thro' Violence, broke into the Scholars Houses and Inns, and many were wounded on both sides ; whereupon the Bishop of *Lincoln*, their Diocesan, laid all the Citizens under an Interdict, and the City it self escheated to the King ; and as many Citizens as died during this Excommunication, were buried in the Cross-Ways, at a small Distance from the Town. But 'twas at last agreed, that all Citizens guilty of this Assault, should receive their Tryals at the Court of *Rome*, and that the Plunder taken from the Students should be restor'd, and the Citizens only oblig'd to pay 50 Marks,

Marks, to be distributed by the Masters among the poorer Scholars; and 'twas further decreed, that if any future Animosities should arise among them, the Town should submit the whole Matter to the Decision of four the principal supreme Masters, and willingly undergo the Pains inflicted on them, according to the Civil Law, without any further Appeal or Prosecution.

Soon after, there arising a Tumult between the Students and Citizens of *Paris*, about the Price of Wine, *Henry III.* by Letters Patents, invited the *Parisians* over into *England*, to Study at *Oxford*, who, induc'd hereunto by his Royal Promises, came and settled here to the number of a thousand, or (as some say) several thousands; in return of Gratitude, 20 Years after they received the King with all the pomp by imaginable: And about the Time the Difference was at *Paris*, a Controversy happened at *Oxford*, between the Scholars and preaching Friars, who no sooner came hither, but (by a Power they obtain'd about School-Exercises) they assum'd new Privileges: But it does not appear how this Dispute was allay'd; and these Feuds lay dormant for some Time; they continued by Intermissions for 130 Years at least, according to the various Opinions the Popes had about the State of these Mendicants, and this Constitution; and the first Provincial Chapter held by them in *England*, was at this Time at *Oxford*.

A. D. 1229.

The University of *Oxford* now abounding with Scholars, the Friars were ever provoking them with ill Treatment. Hereupon the King, at the Chancellor's Request, by Letters Patents the Year, commanded the Mayor and Bailiffs of the City, to accommodate the said Chancellor

A. D. 1231.

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lor with a publick Prison for keeping the Peace, by the Commitment of rebellious Scholars, &c. according to the Nature of their Crimes and Offences; which Right he still enjoys: Also this Prince being appriz'd of the Profit accruing to his People, and of the Honour he received himself by this Concourse of Strangers, by his Writ to the Mayor and Bayliffs here, commanded all Persons, letting Houses to Students, to set a just and reasonable Price on them, the Citizens hereunto yielding ready Obedience. But the Number of Scholars increasing, the Burghers for their Reception were forced to enlarge the City Bounds, and to repair all the decay'd Inns about the Town; and to so great a Bulk was the University now grown, consisting of *French, Irish, and Scotch*, besides *English*, that *Rich. of Armagh*, and other Writers of this Age, affirm their Number to have been at once 30000 at least.

Among these there crept in certain Rioters, who under a Pretence of Study, were all the while waiting for Opportunities of Rapine and Plunder, and attending all Manner of Villanies: To cure this Debauch of Manners, the King, on the Chancellor's Complaint, commanded the Sheriff of the County to make Proclamation at *Oxford*, forbidding the Continuance of Scholars above 15 Days within the University Precincts, not matriculated and subject to a Tutor, according to the Rules of the Place. How long the aforesaid Friendship between *Oxford* and *Paris* continued, occurs not in History; but it remain'd till the War broke out between the two Nations in *Edm. III's* Reign; and so good a Correspondence was kept between these two Universities, that in all times of Danger they mutually aided each other.

But

But the Commerce between the Scholars and Townsmen lasted not so long, there happening another Conflict betwixt them, wherein many were wounded, among the former especially. The King, on enquiry after the Authors and Occasion of this Quarrel, caus'd several Townsmen to be imprison'd, who were privily dismiss'd and set at Liberty by the City-Bailiffs; but were after seiz'd and committed to the King's Prison.

About two Years after, the King, by a Precept transmitted hither, at the Instance and Complaint of the Chancellor and Masters, order'd the Mayor and Bailiffs to release all lewd Women then in Goal, on condition they straight ways left the Town, finding Sureties not to come again to Scholars Chambers. On the Publication of this Writ many loose Women were expell'd from hence, maugre the Tumults then made by some of the French Students, whose infamous Lust had engag'd them in their Quarrels, and by haunting Stews and Brothel-Houses, had contracted the foul Disease almost in an Epidemical Manner; which deprav'd Course of Life, some Years after, *Claus. 18. H. 3. M. 16. Tur. Lond.* brought over the Pope's Legate into *England*, sent hither to reform the Corruptions of the Place, and residing at *Osney* was at first respectfully treated by all the Scholars, liberally entertaining him with all Marks of Honour; and thereby thinking to have pleased him in the best manner. One Day, after Dinner many went to welcome him, hereby presuming a good Reception of themselves; but as soon as they came to the Abbey-Gate, were rudely saluted by the Porter, in his loud *Italian* Voice, demanding their Business; who reply'd, they came in Duty to attend the Legate; but he, in

in contumelious Language, refus'd them Admittance at the Door, which they forcing open, went in, the Legate's Retinue at the same time repelling them with Staves; but at length falling together by the Ears, many Blows ensued on both sides: Whilst some of the Scholars ran home for Arms, there happen'd a poor *Irish* Scholar to wait at the Gate for Alms, on whom the chief Cook (being the Legate's Brother) threw scalding Water; which a *Welchman* perceiving, shot the Cook dead through the Body, which caused an Uproar throughout the House. The Legate hearing this Tumult, ran into the Belfry, and locking the Door, stay'd there till Midnight; but the Scholars, in no wise pacified, sought after him in every Corner, exclaiming against him as an Ufurer, Simoniack, and one guilty of Extortion, &c. The Cardinal, in the Silence of the Night, coming out of his Fort, convey'd himself over the River to the King, then at *Wallingford*, who, on this Outrage, sent Troops to protect the Legate's Attendants; through Fear hiding themselves. Hereupon was one *Odo*, a Lawyer, with 38 other Students, seiz'd and brought before the King, and, from *Wallingford* in Carts sent to *London*, where, after much Entreaty of the Bishops, on doing of Penance, the Legate absolv'd them from their Offence, and the University was releas'd from the Anathema or Interdict under which it groan'd.

The Citizens, by virtue of the fore-going Writ to the Mayor and Bailiffs, claim'd to have sole Jurisdiction over lewd and incontinent Women here; whereas the Intent of it was only to give them a Power of aiding the Chancellor in the Execution of his Office, impugn'd by the Disobedience of the Townsmen, and

and the Contempt of the Monks and Friars settled here, and maintaining Concubinage; for the University was now under a very unquiet State, by Reason of these turbulent and rebellious Spirits, as we read in *M. Paris, &c.*

In the Year 1235. a Ferment arose between the Scholars and Townsmen (as suppos'd) about the Breach and Violation of a certain Compromise lately made between the said Parties, in which Strife many were wounded on both Sides; but the King, on Notice hereof, sent for the *Norman*, and *John Tyndal* his Marshal, to decide these Differences, and punish the Ringleaders thereof. But a dreadful Fire happening here, towards the End of this Year, was of worse Consequence, not only destroying most of the Houses, but even creating new Jealousies between these Bodies, the one charging the other with the Perpetration of this Mischance; to enquire into which, the King again sent Commissioners, but the Issue thereof is not recorded; but the Citizens soon rebuilt their Houses, and the Scholars their Halls and Lodges, returning hither.

The next Year after this Calamity, another Contest appear'd between these Bodies, which the King and Nobility could scarce appease; but was at last quieted, and the University restor'd to its ancient State: I know not how these Differences arose, whether touching Rights or Injuries offer'd, tho' generally believ'd touching the last; for many of each side were imprison'd, among whom was *Currey*, a *Scotchman*, and the chief Encourager of the Insult offer'd the Cardinal Legate two Years after, who being imprison'd on the Chancellor's Warrant, was afterwards discharg'd, on condition that he procur'd 24 honest Men to be his Bail, for his future good Behaviour in the University.

Scarce

Scarce were the Scholars return'd to *Oxford*, after their Penance for their Attempt on *Otho*, which they perform'd by walking barefoot, and naked down to the Waste, from *St. Paul's Church* to *Durham House*, the Legate's Residence, but the Citizens began new Troubles with the Scholars about the Rents of their Inns and Halls, which grew to such a Height, that many Students leaving the Place went to *Cambridge*, and obtain'd some Liberties and Privileges against the Townsmen; yet some disbelieve this, because there is no Mention of it in a Manuscript Copy of *M. Paris*, now in the Queen's Library; nor does this agree with our Archives, from whence it appears that the Scholars were commorant in *Oxford*, and quiet enough till 28 *Hen. III.*

A.D. 1244.

— 1242.

The King intending now to go into *Gascoigny*, committed the Guardianship of the University to the Care of *Walt. de Grey*, Archbishop of *Tork*, a Person very fit for this Trust, having had an Education formerly here, and also to *William de Canteleupe*, and *Williams* of *Tork*, by Letters directed to them, giving them a Power to receive all Scholars Complaints, and redress them according to the Laws, Statutes, and ancient Customs of the University.

— 1243.

Soon after a Dispute being between the King and *William de Ralegh*, Bishop of *Norwich*, about his Election to the See of *Winton*, the King referr'd the Matter to the Lawyers at *Oxford* and *Paris*, to have their Opinions thereon; but the Bishop obtaining his Election from the Pope through Fraud, was highly displeased with the Determination of the *Oxford* Canonists in the King's Favour, and was not a little rallied in the Schools by the young Students Wit; and for a fuller Refutation of the Bishop's Right, the

the King obtain'd a Decision from the Lawyers of *Paris*. Tho' there was this Consent of Opinion, the Bishop never forgave the Judgment of the *Oxonians*, but pursu'd them at the *Roman* Court with the utmost Hatred a few Years after, when the *Carmelites* came and settled here by the Pope's Favour, obtain'd thro' his Means, rather for the sake of subduing the Scholars Minds, than for improving their own. But as I shall treat of these Caterpillars elsewhere, I will now return to our seditious Citizens, neither to be oblig'd by Censures, nor by any Act of Grace.

For now did they enterprize new Disturbances with the Students, and in their Madness on *St. Phil.* and *Jac.* slew a Scholar of Noble Extraction, whom they met late at Night passing through *St. Martin's* alias *Cairfax* Church; assailing him, on no Provocation, first with Blows; and then with offal Butchers Meat from the Stalls besmeared him all over, in his Attempt to escape; whilst others pelted him with Stones and all the Filth pickt up in the Streets, in their pursuit, reviling him with contumelious Language, till at length he fell down half dead before *All Hallows* Church Door, and being three Days after carried to his own House, died there early in the Morning. The Bailiffs of the City suffering his Murderers publickly to walk the Streets, convers'd with them after their usual manner, and with Arms conducted them to *St. Mary's* Church, there to reside, as in a Sanctuary, with greater Safety. The University much incens'd at these Proceedings, declar'd the further reading of all Lectures, and declar'd, that unless this Matter was duly animadverted on and punish'd, since the like had often happen'd with Impunity, they wou'd altogether

together leave their Studies here : nor would they suffer the Body slain to be interr'd, till they receiv'd an expected Answer from the King and their pretended Diocesan the Bishop of *Lincoln* touching the same ; who because he cou'd not have legal Cognizance of the Fact, so as to pronounce any certain Sentence of Condemnation on particular Persons, or against the County at large, he commanded his Chancellor immediately to repair to *Oxford*, and there in Person forthwith to cause a publick Excommunication in general to be solemnly denounc'd against all Persons disturbing the Peace of the Church and the University, by laying violent Hands on this Scholar, and giving him his Death ; and also against all Aiders and Abettors thereof, commanding the same to be pronounc'd in every Church of the City, with Candles lighted, and Bells tolling. After the Performance hereof, he was diligently to enquire, by a Jury of honest Men, taken to his Assistance, touching the Reason of this Murder, and to publish an Agreement made between the University and City by the Pope's Legate, during his Residence at *Osney* Abbey, as already noted ; and on discovery of any of the guilty Persons, to proceed against them with all Severity, according to the Canon. What Issue this had is not so well known, tho' 'tis said, that the Sheriff of the County, by virtue of a Royal Writ, seiz'd on all the Goods of a certain Vintner, an Accomplice in this Murder, making him in the greatest part of his Wine.

Nic. Tusc.

The Scholars pursu'd their Resentments for the repeated Injuries done them by the Townsmen with a constant unshaken Resolution, of which they gave a Specimen by their Suit against *Rob. Wells*, Bailiff of North-Gate Hundred,

dred, and a notorious Disturber of the University Privileges; declaring on Oath, that they would immediately shut up the Schools, and supersede all Exercises, unless Justice was done them on this their implacable Enemy, according to his Demerits; which they obtain'd, tho' not according to the Humour of their own Minds.

On the 29th of May this Year, the King at Woodstock granted to the University several Privileges and Immunities by Charter, as well in the Presence of the Proctors of the University, as of the Town-Burgesses: the King hereby in some measure taking care to fortify the Rights and Privileges of the Scholars against all the Attempts made on them lately by the injurious Townsmen, as formerly by the afflicting Jews. *Vide App.*

The Affairs of the University being now in a low and troubled State, Learning was corrupted with the Subtleties of Logick and Metaphysics; for altho' there were at this time several Persons eminent in these Points of Study; yet having had some part of their Education at Paris, they brought from thence things very light, and hurtful to sound Knowledge: Among whom was Richard of Cornwall, Chancellor of York, who poison'd the Youth here by Lectures read in the Schools on the *Sentences*, in imitation of the Paris Fryars; which employ'd the studious Care of many Learned Men for 46 Years afterwards in refuting these erroneous Doctrines, and restoring the University to a sound State of Mind: nor were his Tenets only destructive of Divinity, of which he was here a publick Professor, and (according to some) got a great Reputation by his Expositions of it; but also of many of the liberal Arts and Sciences.

Nor was the University only perplex'd with religious Heresies, and false Principles of Philosophy; but was also embarrass'd with the continual Dissensions and Strugglings of the *Predicant* Fryars, complaining of the Rigour of some Statutes now chiefly made (as they alledg'd) in their Prejudice; which Statutes had their Rise from a Constitution for the Advancement of Study in Divinity, decreeing it unlawful for any one to be an Inceptor in Theology, unless he had been first either in this or some other University a *Regent* in Arts; and that no insufficient Person should be promoted to this high Degree thro' any Sollicitations or Demands of great Men, as heretofore usual for them to be; which as it procur'd Esteem to the Degree it self, so it was of great Service to Religion: and thus without a perfect Knowledge in Philosophy, no one was qualify'd for this Degree in Divinity. The Fryars highly resenting this, by Appeals and other Complaints solicited the Abrogation of this Statute; hereon giving the University much Trouble and Anguish of Thought, by their adulterating the Sciences here with new Opinions, and by their impugning the Rules and Institutions of the Place: Thus did they disturb the peaceful Progress of Letters, tho' the Disputes about Exercises grew not to any height till 1311. when the Fryars wholly apply'd themselves to distract the Measures of Learning, as hereafter to be shewn.

The King and Queen coming to *Oxford*, the Scholars address'd themselves on behalf of two Students imprison'd for certain Offences against his Majesty, praying that all Scholars arrested for any Crime whatsoever, and claimed by the University, might be discharg'd from the King's Prison, and deliver'd to the Chancellor thereof:

which

which the King granted in all such Crimes, wherein the Chancellor, as the Bishop's Vicegerent, might in the Administration of Justice inflict condign Punishments on them: but in Crimes of a more heinous Nature, requiring Degradation or Deposition, he would have all Scholars hereon imprison'd to be deliver'd to the Bishop, or his Official for this end appointed. Hereon a Contest ensu'd between the *senior* and *junior* Students, the one in no wise accepting, and the other approving this Grant in the highest manner. At the Scholars Petition the King releas'd the aforesaid Prisoners; the Masters notwithstanding desisted from reading Lectures for several Days. The King promis'd the Scholars to confer with the Bishops and Nobility on their Petition, and by their Advice would provide for them, either according to the Form of their Request, or in some other competent manner, in pursuance of the Laws of the Realm and holy Church. The Scholars obtain'd their Wish, and the two imprison'd Members for wounding a Man, were by the King's Precept, *April 25th* following, deliver'd to the Chancellor, to purge themselves according to the Laws and Customs of the University, unless the Person should happen to die of his Wounds.

This same Year, a little before the King came hither, a Controversy began between the Scholars and Townsmen about Payment of Murage; the Scholars refusing to pay it, for that it issu'd out of certain Tenements of theirs. But the King, on notice hereof, by his Writ to the Chancellor commanded him forthwith to collect the same according to the Custom of the City, and to see it deliver'd to the Mayor and Bailiffs, and that the collecting thereof be

not retarded through any Defect or Neglect of him.

A. D. 1252. Animosities and Disputes had been frequent between the North-*English* and *Irish* Scholars, lasting till now, when those of each Nation were reconcil'd by an Agreement mutually enter'd into at a full Congregation hereon held at *St. Mary's Church*; where 12 of each Country were delegated, for the happy ending of these Differences, and preserving the future Peace of the University: And a Statute was hereon made, with an Oath first to be taken by the Delegates, and then by all Inceptors in each Faculty, and by all Scholars coming thither, and taking Degrees; and on Refusal of it, tender'd by the Proctors, to stand depriv'd of all Academical Exercises and Advantages.

We know not the Rise of these Dissensions, but believe the same to proceed from the Celebration and Commemoration of National Festivals, by indulging themselves too freely in Eating and Drinking, which usually produces Quarrels and Fighting. After this Concord the Chancellor by a Statute made thereon, with the Sanction of the greater Excommunication, forbid all these Feasts; these Broils being of bad Consequence, as the Chancellor and Masters averr by their enacting this Prohibitory Law.

The Year succeeding this Composition, the Carmelite Fryars, a great Nuisance to *Oxford*, came hither to gain a Settlement, as they were also willing to do at *Cambridge*, on a Pretence of instructing their Youth in the Knowledge of Divinity and Philosophy, growing weary of their Habitations in *Kent* and *Northumberland*, where after their first coming into *England* their native Country, on the Invitation of two Chief-tains in the *English* Army against the *Saracen*,
the

A. D. 1232.

*Ric. Grey,
Joh. Vasey.*

the Enemy of Christendom, they had settled themselves at *Ailsford* and *Holney* near *Aulney*; in those Counties. These Fryars, with the Provincial Prior of their Society, a Lover of Solitude, had dwelt for some time on the Top of Mount *Carmelus* near *Ptolemais*, under many Austerities of Life, chastising their carnal Lust with such kind of Penance; and being visited by these Captains, led thither either through a religious Opinion or a Curiosity of seeing the Place, were by them prevail'd on to leave the Mountain, and return into *England*; with a View of establishing their Order here; and no sooner were they settl'd (as aforesaid) but they dispers'd themselves through the chief Cities among us; and being principally delighted with *Oxford*, first insinuated themselves into the Affections of the Mob, and then into the Mind of the better sort, making their way hither by frequenting our Lectures, and taking Degrees in the manner of other Religious Orders. *Pet. Swannington*, a Co-temporary with *Hum. Nulton* (the first Professor of Divinity at *Cambridge*) was the first Doctor in that Faculty of this Order at *Oxford*; as was *Sim. Stokes* the first Batchelor therein among them, being promoted to this Degree at a Time, when no Dwelling had been assign'd them here; but by aspiring to Academical Learning with all possible Diligence, they us'd their utmost Efforts to obtain the same; Persons from all Parts of the Learned World coming hither for Knowledge. At last, through the Request of their Provincial, they acquir'd a Mansion in *Stockwell Street* of *Nic. de Meules*, Yometime Constable of the Castle here, and now bearing the Title of a Barony in *Somersetshire*, whose chief Seat was at *North Cadbury*. See the Instrument of

Ralph Frescoburn.

A. D. 1244.

—1254.

Deed of Conveyance in *Wood's Antiquities*, in answer to those ascribing this Gift to *Richard Earl of Cornwall*, and Brother to *Hen. 3d.* This House was situate, where now the South part of *Glocester Hall* stands. The Fryars, desirous to erect a Chappel and other Buildings, but straitned for want of Room, prevail'd on an *Oxford* Burgess, on the score of his Riches and Wisdom Mayor hereof for many Years together, to assign and grant them a Spot of Ground contiguous to *Meules*, or *Noell's Building*; for so *Bale* calls him; which he readily gave them, admiring the Sanctity of their Lives; on the Acquisition whereof they purchas'd Leave of their Diocesan, and also of the Abbot and Convent of *Osney* (this Seat of theirs being within *St. George's*, now call'd *St. Thomas's Parish*, and from the Foundation of it belonging to this Abbey) for the building of their Oratory; which they obtained through the Means of their Founder *Nic. de Meulas*, *Richard Earl of Cornwall*, and *Ela* the pious Countess of *Warwick*: And on *St. Agatha's Day* an Agreement was made between the Abbot and Convent on the one part; and the Prior and said Fryars on the other, by the Consent of *Henry* then Bishop of *Lincoln*, the Diocesan. This Agreement may be read at large in the afore-cited Page of *Mr. Wood*: And for the Confirmation thereof their Provincial in *England* by Letters granted a Power to *John de Ropha*, Procurator of this Order at *Oxford*, to take an Oath in *animas fratrum*, for the faithful Observance of all things therein contained; and the said *John* accepting this Proxy by Oath, oblig'd himself and all his Family, before the Abbot and Prior of *Osney*, and certain Canons thereof. This Oath these Fryars repeated every five Years,

A.D. 1256.

July 25. 1257.

as they did it, according to a certain Writer, *A. D. 1278.*
 when *Rog. de Croftweyte* was their Prior, and
 under the Government of *Hugh de Rifeburge.* — 1301.
 But these Fryars, regardless of the Necessaries
 lately obtain'd, began now to wish for fine Gar-
 dens and pleasant Groves, and hereon they had
 an Accession of Ground belonging to *Osney Con-*
vent : and having amass'd a good Sum of Mo-
 ney, they purchas'd the Tithes and Obventi- — 1468.
 ons usually paid by them to the said Abbey ;
 and insinuating themselves into vulgar Affecti-
 ons (as before noted) they grew so popular,
 that by a Covert Fraud, under the Name of
 Buying, they got many Houses, as *Nic. de Forst-*
bul sold them a Tenement, wont to pay three
 Shillings to the Priory of *Littlemore* ; so that
 they appropriated to themselves many real
 Estates.

After this, the Abbot and Convent of *Osney*
 granted and quit-claimed, for themselves and
 their Successors, to the said Prior and Fryars
 and their Successors, that they might for ever
 hold and quietly enjoy, as far as to them relat-
 ed, all that Portion of Land which *Richard*
Majdelock for some time inhabited, where they
 built a Gate 60 Feet in Length, and 30 in
 Breadth, lying between the Land of *William*
Eynsham on one side, and *Richard Lekam's* on the
 other, in *St. George's* Parish, in the Suburbs near
le Haxe, free and quit for ever of all Demands
 of Tithes, Oblations and Profits whatsoever,
 belonging to *St. George's* Church ; which the
 said Abbot and Convent had appropriated, &c.
 for the Yearly Rent of 16 Shillings. Upon
 enlarging their Ground, they increased their
 Buildings, with the Ornaments of Gardens and
 other Pleasures, living here for almost 60 Years,
 during which time they had many *Lecturers* of
 E 3 their

their own House. But at last transferring themselves to the King's Palace, opposite to *Stockwell* Street, call'd the *Beaumonts*, they continued there till their Dissolution. This Mansion they obtain'd by the means of one *Rob. Baston*, a Carmelite, and in his Time, a celebrated Poet, who in a Poem on King *Edward* the 1st's engaging the *Scots*, render'd himself acceptable to the Father, as he afterwards did to the Son *Edward* the 2^d, who being in danger by Flight, after the Battle fought between him and *Rob. Bruce* King of *Scotland*, was promis'd Safety, on Condition that he would build a House for the Carmelites, on his Return into *England*. But through want of Money being not able to build the same, he was by the Persuasion of Persons then in Power prevailed on to grant them his Palace, which accordingly he made good; and farther ordained the Residence of 24 Fryars therein, attending the Study of Divinity, and each of them to receive five Marks *per Ann.* out of the Royal Purse; which Pension was afterwards, in the 4th of *Edward* the 3^d's Reign, disputed, and whether wholly taken away we know not. *Edward* the 2^d, the same Year he gave his Palace to the Carmelites, granted to them, for the more commodious enlarging this Seat, two other Tenements, situated almost opposite to *Glocester Hall* in *Stockwell* Street. And thus these Carmelites in their Primitive State living the most recluse from Human Conversation, but afterwards by receiving Confessions grown popular, advanced themselves to great Riches; and having the most ample Seat in the City, solaced themselves with all manner of Pleasures. And that this Palace might have the firmer Continuance to them and their Successors, they procur'd a Bull from *P. John* 21st, in the

the 2d Year of his Papacy, by which King *Edward's* Grant was confirm'd to them, and a Power given them of leaving their antient Seat, and either of selling or commuting the same for other Lands and Houses, notwithstanding *Boniface* the 8th's Bull to the contrary. After this they purchas'd Leave of the *Osney* Convent (for their new Seat was within *St. Mary Magdalen's* Parish) either in the same House, or the King's Palace, of celebrating Divine Service, and a Liberty of burying their Dead, &c. according to the Tenor of their Privileges, without Diminution or Impediment: which Licence they obtain'd from *Rob. Garsington*, then Vicar of this Parish, and from *John Dalderby*, Bishop of *Lincoln*, by Letters dated at *Bugden* A. D. 1318. the first Sunday in Lent.

These Fryars had one School in their first House, built by *Hen. de Hanna*, and in their new Seat they built two Schools themselves, calling one the *Divinity* and the other the *Philosophy* School, from whence issu'd many learned Men. Their first House was in the *Area* of the lesser Quadrangle, to the South of *Glocester Hall* now standing; which from its Antiquity some believe to have been built by these Fryars, tho' *Ross* will have their antient Mansion to be near the Banks of the River *Thames*, opposite to *Rewly* Abbey: but wheresoever it was, they let it on their going out from thence, to the *Benedictine* Monks of *Glocester*, and the Close lying on the South-side, then called *Cornwall*; which *Henry* the 8th sold to *Edm. Powel* of *Sandford* in *Oxfordshire*, *Gent.* An. Regn. 33.

And thus having done with these Fryars for a season, I proceed to speak of *Rob. Grosthead*, A. D. 1254. Bishop of *Lincoln*, whose Death gave the Students here great Grief: For he was not only a

pious and indefatigable Promoter of Learning, but a strenuous Asserter of the Rights and Privileges of the University, and an Avenger of their Infringements, and also a great Supporter of poor Scholars here, who living and dying free from Censure, was lamented by all Men, and after his Death by the Vulgar reputed a Saint. Yea, King *Edward* the 1st and this University, by Letters to Pope *Clement* the 5th, solicited his Canonization, which may be read in Mr. *Wood*, dated May 6th at *Carlisle*, as did also the Abbot and Convent of *Osney* to the same End, which were transcrib'd into the Abbey Register, and carefully preserv'd with those of the University. *Hen. Lexington* succeeded him in the See, who from a different Temper immediately began to enlarge his Jurisdiction over the Scholars, by disturbing that of the University, which, to obviate his Incroachments, obtain'd several Bulls from Pope *Innocent* the 4th, just before his Death. By the first, in the 10th Year of his Papacy, he gives Protection to the Liberties and Privileges hereunto granted by Kings, Bishops, &c. as he does by the 2^d, dated at the same Time and Place *, and inscrib'd to the Bishops of *London* and *Sarum*: and a 3^d dated at the same Place, is directed to the Students, in confirmation of the University and of its Immunities, Liberties and Customs, which differs little from the former. The 4th, dated the same Day and Place, concerns the Confirmation of the Statutes, &c. which was afterwards confirmed by the Bull of *Sixtus* the 4th. These Bulls for the present quash'd the Bishop's Endeavours, tho' he afterwards gave the University great Trouble: for after *Innocent's* Death *Alexander* the 4th being advanced to the Apostolick See, the Bishop of *Lincoln* complain'd to him

* *Anaginzæ.*

him of the Scholars lodging in the Castle at Oxford, alledging, that they refus'd to yield Obedience to the Authority, which he and his Predecessors had ever been in Possession of; to whom *Alexander*, in his Bull dated at *Naples*, in the first Year of his Papacy, wrote, that he should exercise Jurisdiction over this Place, notwithstanding any Letters from the Pope obtain'd or to be obtain'd to the contrary, unless the Letters hereafter obtain'd made full mention of these Presents; and so far *Lexington* prevail'd, that he afterwards visited the University, and made Inquisition into the Rights of *St. George's Church* here.

The Affairs of the University every Day increas'd so fast, by reason of the great Number of Clerks and Laymen, that the Magistrates of the University were insufficient for the Government of the whole Place; wherefore the Masters and Scholars were in some measure oblig'd to pray the King for an Institution of more Magistrates among them, with a Power to intend the Peace and Welfare of both City and University; whereupon two more Aldermen, and eight Burgeffes Assistant, were added to the Mayor and Aldermen already settled, with two *Bailiffs* to aid and assist these Persons; and this the King granted with other Privileges by Charter.

But I observe, that in the first Article of a Charter of Composition made between the University and City touching the Institution of these Aldermen and their Assistants, &c. the same is said to have been granted to the Chancellor and University; and that this new Institution was for no other Reason, than for the Peace and Advantage thereof: it appearing from hence, that they cou'd claim no Jurisdiction over the

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the University, for then this Institution would not have been to the Peace and Advantage thereof, but rather to its Prejudice. "We have (says the King) inspected the Charters by us granted to the University of Oxford, the 30th of our Reign, under our Seal then used, in these Words, *viz. Henricus, &c.* where the Charter for settling these Aldermen is recited in the first place; therefore this was granted as a Privilege to the University. But the Townsmen submitted not to this Charter, deeming the same as void, and only granted in favour of the University; for that they were hereby obliged to take an Oath of Fealty in the presence of the Scholars, who would add another Oath hereunto, which had its rise on the hanging of certain Students before remember'd; which would be a new Argument for their Subjection to the University. The Scholars were so far incensed at the Townsmens Disobedience to the King's Commands, that by a Deputation of Masters they impeach'd their Contempt before the King himself, who by Writs to the Mayor and Bailiffs, commanded them, on pain of Forfeiture of their Estates, readily and inviolably to observe these Liberties and Privileges, which he had granted for the Quiet and Advantage of the Scholars, and cause the same to be observ'd by others within the City of Oxford: which Writs were sent by the Advice of his Nobility and Privy Council. About the time as the City Magistrates were increased in Number, the Scholars, aggrieved with the Taxations of their Inns and Halls, made their Complaint to the King then at *Woodstock*, who by Letters Patents ordain'd, that all Citizens in the possession of Scholars Houses, should be for the future rated every 10th Year, according to the

Judg-

Judgment of certain Clerks and Laymen hereunto sworn to act according to Equity : which, tho' much for the Scholars Advantage, was oppos'd by the Convents, having a Property in many of these Houses ; but especially by the Osney Convent, which lost several Marks per Annum hereby : for before the founding and endowing of Colleges at Oxford and Cambridge, the Scholars liv'd either in Houses of their own, or in Houses hir'd of the Townsmen, by the Names of Inns and Halls, and were subject to the Rule of certain Presidents, all which even now obtain in foreign Universities. Thus the Monks of *Croiland* living together with their Disciples, taught in a Barn which they hir'd at Cambridge.

It was not lawful for the Proprietors of these Inns and Halls to exclude Scholars from thence, applying them to other Purposes ; and therefore as often as any one demised a House to a Fellow Citizen, it was always understood, if no Student wanted the same ; and of this we have many Precedents : I shall cite one here, viz. *Phil. Burgess* conveying a Tenement in *St. Mary's Parish* to *William Ruffel*, his Heirs and Assigns, was in his Grant understood to reserve the Right of the University thereunto, &c. And that the Scholars Houses might not go to Ruin for want of Repair, 'twas agreed between the Parties, that every Principal of such House, according to Custom, should admonish his Proprietor or Host, to look after all necessary Repairs thereof ; and in Defect of such Care, on three Admonitions, the Landlord might repair the same out of the Rents thereof ; but in Defect of such Admonition, the Principal was to repair it, and pay the full Rent notwithstanding. But it was not entirely at the Townsmen's

mens Will to encrease the Rents of these Houses; for what the Pope had before granted to the *Parisians*, and the King, by his Authority, to the *Cantabrigians*, the same was now granted by certain Charters to *Oxford*, Custom giving the like before these Charters, viz. That two Masters, and as many Townsmen, should upon Oath, as *Taxers*, make an equal and just Taxation of Houses; which *Taxers* being chosen the first Congregation after *Mich.* were statutably obliged, the last Congregation in every Term, to declare and deliver in Schedules of what Houses and Schools Scholars were possess'd, and in what Parishes, and how tax'd; and these things were registred by the Chancellor and Proctors. And tho' these Taxations were disused on the building of Colleges, and the Decrease of Students, yet there are Traces thereof even now (as I am informed) at *Cambridge*; there being two called *Taskers*, who bear this or the like Office, and are almost the same with our Clerks of the Market. Of these *Taxers* there is no mention in our Registers till 15 *Hen. III.* (and only in *Tusculanus's* Bull) for then the King being made acquainted at *Oxford* with the cruel Exactions of the Townsmen (whereunto the great Number of Students resorting hither from all Nations contributed) did by a Royal Writ to the Mayor and Bailiffs, thus inhibit the same, viz. *Idcirco vobis mandamus firmiter injungentes quatenus super pradiſtis Hoſpitiis locandis vos meſurantes ſecundum conſuetudinem Uniuerſitatis per duos Magiſtros & duos probos & legales homines de Villâ noſtrâ ad hoc assignandos, hoſpitia pradiſta taxari & ſecundum eorum taxationem ea locari permittatis*: And if any Controversy should arise about the Taxing or Payment of the Rent tax'd, the Determination thereof

thereof should belong to the Chancellor and University, as appears by the Royal Charter granted for the Cognizance of Pleas. But whereas, on the advanc'd Rent of Houses the Students had been at frequent Expences in repairing and enlarging them, it would be difficult for the Chancellor and Taxers to decide Suits arising hereon; the King therefore order'd such Taxation to be quinquennial, and to begin this Year; from whence the Townsmen perverting the Words of the Charter, infring'd the Charter granted 1244. and saying, no Taxation ought to be repeated, *Nisi interjecto quinquennio*, let out whatever Houses were not tax'd before *currente illo quinquennio*, and refus'd to submit to the Arbitration of the Taxers, having Recourse to a solemn Taxation. Besides, from the Word *Domorum* in the Letters Patent, they cook'd up a new Fraud, alledging this Word only denoted entire Houses; and let out single Chambers to Scholars of meaner Rank at pleasure. But the King, acquainted herewith, commanded the Mayor and Bailiffs to observe his Orders to them directed this Year, *taxat utilitatem pauperum & minorum quam divitiarum & majorum*; commanding them also to cause all Houses in Oxford, as well greater as lesser Chambers, letten to Scholars, to be tax'd without delay, in the foresaid Form, when they should be thereunto requir'd, on the Part of the said Masters and Scholars.

The Bishop of Lincoln still persever'd in his Claim of Jurisdiction over the Students, making such Steps herein, that he violated the known Liberties and Statutes of the University, received here for many Ages past. Wherefore, towards the End of this Year, the Scholars chose nine *Artifices*, and sent them to the King then at St.

St. Alban, to complain of the Injuries, inflicted on them, by the Bishop, and to pray timely Relief against these Misfortunes; which they did there in St. Oswin's Chappel, partly in Writing, and partly by Word of Mouth, according to the Testimony of *M. Paris* recording their Prayer in these Words, viz. *Dominus, pro Domino curam habet. Et Ecclesia jam vacillans, Universas Parisiensis, tot Clerici & Magistra sanctorum Praeceptorum non mediocriter perturbatur, si similiter uno tempore perturbatur Universus Oxoniensis tunc sit Schola 2da Ecclesiae, inae Ecclesia fundamentum, timendum est vehementer, ne Ecclesia tota ruinam patiat, &c.* From hence it appears, that our University was in these Times in a high Degree of Dignity, since the eminent *Parisian* gave it so honourable a Title.

1257. But to pursue this Controversy, which was this Year adjusted between the University and the Bishop, at a Convocation held in Lent, on the Appearance of these Artists at the King's Command; where, least any thing should be enacted in Fraud of the Bishop, his *Official* was constantly present to protest against all Attempts; which he did, when then the Chancellor and University made certain Statutes about the Ordinary Lectures of Masters, and other Matters, as appears by a *Memoirandum* on the 4th of June, to be seen in *Wood's* and *Thynde's* Antiquities.

1258. Among the Convulsions with which the University was this Year shaken (passing by those of the Parliament called *Insurreximus*, and held at Oxford) there happened Dissensions among the Scholars themselves, being of different Nations, breaking out in an outrageous Manner; so that the University was divided into Parties, the *Welsh*, *Swiss*, and *North-Englische*, erecting their Banners,

Barnet, fought it out against the Southern Men, in the Fields about Oxford; in which Engagement many were kill'd and wounded on each side, and the Southern Men being subdued, the other Party triumph'd; but as soon as the Heat of their youthful Courage grew cold again, they seriously considering the Heinousness of the Fact committed, on mutual Advice apply'd themselves to the King, to deprecate the Vengeance threaten'd them; dreading the same very much, especially from killing the Brother of *Little Prince of Wales*, lately in Prison; and to ingratiate themselves with the King, they at last resolv'd to make a tender of 4000 Marks to him, 300 to his Son *Edward*, and 200 to the Queen; but in Answer to their Supplication the King said, he had more Regard for the Life of any Subject than for any Sum offer'd him. Another they returned to Oxford with great Anxiety, tho' they were not instantly punish'd, the King being employ'd in War, partly with *Little*, and partly with his Nobility, and so not at leisure to inflict a Punishment.

This War in the University was a Prelude of the ensuing Tumults in the Kingdom, if we may credit the following Verses, viz.

Chorissas penses, cum pugnant Occidentales.
Politicat Monstres, ubi irascit Angligenenses;

For the Year after these Dissensions were at Oxford, the English Barons and Nobility, *Sim. Monford* being their Leader, appear'd in Arms, and when the Matter came to be decided by Battle, they fell into a Parley with the King, and made some Statutes concerning Provisions at Oxford to be observ'd by Foreigners.

A. D. 1259. But in *Lent* this Year (a Time for Disputes here as well as at *Cambridge*) new Disturbances arose, on the Account of a certain Scholar's breaking Prison, and making his Escape, the Students thinking to exempt him, being detain'd for Murder by a Rescous, and by Force to carry him off into some Church, according to Custom, to prevent the Execution of Justice on Scholars condemn'd; being brought out of Prison to be hang'd near the Castle, or in a Place called *Green Disch*, they would take them out of the Sheriffs Hands, and carry them into *St. Giles's Church*, and forcing them to abjure the Realm, dismiss them.

— 1260. Soon after this, an Authority was granted to
Pat. 45. *H.* 3. *John Wyville* and *Laur. Brooks*; of enquiring into
M. 19. *A. fol.* all Causes belonging to the *Scholars* and *Jews*,
 53. *b.* and of certifying them to the King, whose express Duty 'twas to acquaint him, what Power would accrue to the University, and what Jurisdiction the King would lose thereby, if such Authority was given to the Chancellor in these Cases; but hereof nothing more occurs; yet, when the same Question was again mov'd, the following Return was made by a Jury, *viz.*
 " That the Chancellor of the University of *Ox-*
 " *ford* for the Time being, in past Ages, had
 " been accusom'd to have the Cognizance of all
 " manner of Contracts, Quarrels, and Com-
 " plaints, arising between the Scholars and the
 " *Jews* at *Oxford*, and has been used to deter-
 " mine the same; except in Matters relating
 " to the King's Crown and Dignity, and Pleas
 " of Land. And the Jury say moreover, that
 " the King loses no yearly Profit, nor has the
 " University any, by Cognizance of this kind,
 " because the said Chancellor neither shews a-
 " ny Compassion herein to Scholars, nor does
 " he

“ he receive any Gain from the *Jews*, but only
 “ keeps and maintains the Peace of the Uni-
 “ versity among the *Jews* and Scholars.” And
 this was the End of this Strife : But ’twas signi-
 fied to the King in his Privy Council, that the
Oxford Scholars suffer’d great Inconveniences
 from the Number of Persons resorting thither,
 either on the Affairs of the Realm, or some o-
 ther Account, whereon Riots ensued, by their
 Commerce with Citizens ; for the future pre-
 venting whereof, the King granted leave to the
 Masters and Scholars to go to *Northampton*, if
 they pleas’d, and erect Schools, and profess the
 liberal Arts and Sciences there ; and that they
 be received into that City with greater Beni-
 gnity, he commanded the Mayor, Bailiffs, and the
 rest of the Magistrates, to treat them with Hu-
 manity, and provide them with all Necessaries.
 He that reads this, will not believe *Cambridge* to
 have been yet an University, or an approv’d
 School of General Study ; for if it had, the
 new University at *Northampton* had been as pre-
 judicial to it, as to *Oxford* ; but we see nothing
 in the King’s Letters relating thereunto ; *Ox-*
ford being only mentioned, as the only Univer-
 sity in *England* ; whereas, doubtless *Cambridge*
 would have been mentioned as well as *Oxford*,
 if it had been an ancient University. At o-
 ther times, when the *Oxford* Scholars left that
 Place, they immediately went to *Cambridge*,
 and so would have done now, if *Cambridge* had
 been an University : But this is not so fair a
 Consequence, for now they were not forced
 from hence by Civil Discords, but by the King’s
 Writ. This Controversy I shall leave to *Bryan*
Town, and *Londonensis*, Persons in their times
 better pleas’d than I am at present with the like
 Dispute. Indeed, when the Scholars of *Ox-*

ford were dispers'd throughout *England*, on the Account of the Insult offer'd to *Otho*, the King in his Writ to the Sheriff of *Cambridge*, makes no mention of any Fugitives to be arrested there, as he does in his Writs to some other Sheriffs in *England*, commanding them to seize all Scholars within their Bailiwicks; and yet we cannot believe *Cambridge* a Town of so little note, as our Scholars not to go thither for Refuge, especially if it was then an University. Besides, the Licence to commence an University at *Northampton*, was not granted to *Cambridge* but *Oxford* only; and *Rob. Hare*, among his *Memorabilia* of *Oxford*, saying, that *Cambridge* had the like Letters of the same Date, is a Mistake; for he who consults the Archives at *Northampton* will find no mention of *Cambridge*, or of this Matter.

It has been said, that the King, in 39th of his Reign, ordain'd that *Oxford* should have four Aldermen and eight Burgesses Assistants: A D. 1261. It is moreover said of them this Year, that the King granted a Power to the Constable of the Castle here (a Person at this Time in great Honour and Authority) to give them an Oath of Fealty in his stead; but whether it was only granted for this Time, or to him and his Successors for ever, I no where find: And this Year, according to a certain Author, the School at *Oxford* was erected into an University, and endowed with Privileges under that Name, *Boniface*, Archbishop of *Canterbury*, obtaining a Papal Bull for this end: but of this see the Introduction, Page 2.

— 1262. This Year the Bailiffs of *Oxford* were excommunicated by the Chancellor, for retaining certain Scholars in Prison, committed by them on the Score of *Murder*. On Complaints to

Ch. 3. of the University of OXFORD.

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to the King, he commanded the Proctors of the University at their waiting on him, to cause a Revocation of this Sentence, under Pain of the University's being depriv'd forthwith of all its Privileges and Immunities. But we must not from hence infer, that the Chancellor assum'd this Power of Excommunication unjustly to himself, (using the same very antiently, as appears from many Writers) but that he illegally insisted it on the Bailiffs for their Offence committed.

Prince *Edward* this Year returning from *Paris* A. D. 1263.
soon after *St. Matthias*, march'd with an Army towards the Borders of *Wales*, and coming to *Oxford* in his way, was, by the Burghers, forbid Entrance into the City, on occasion of the Tumults now among the Barons. Under this Necessity he quarter'd his Soldiers in the adjacent Villages, disposing of them as he could; and lodg'd himself that Night at the Royal Palace in *Magdalen-Parish*, the next Morning proceeding on his intended Journey; but the Scholars shut into the Town, being desirous to meet and salute that Prince whom they lov'd so much, first assembled about *Smith-gate*, and demanded to be let into the Fields. Being denied this by one of the Bailiffs, they return'd to their Hostels for Arms, and broke open the Gate; whereupon the Mayor arrested many of them, and on the Chancellor's Request was so far from releasing those whom he had committed to Goal, that he order'd the Citizens to bring out their Banners, and display them in the midst of the Street, and embattling them, commanded a sudden Onset on the rest of the Scholars remaining in the Town, and much Bloodshed had been committed, had not a Scholar, by the Sound of the Schools Bell in *St. Mary's*

Church, given Notice of the Townsmen drawn into the Streets, near *Alhallows Church*, and of the Danger that threaten'd the Students then at Dinner. On this Alarm, they straitways arm'd, and went out to meet their Assailants, and in join'd Battle courageously subduing the Enemy, put the Townsmen to flight, wounding many of them : The Scholars, on this Victory, broke into the Citizens Houses, and plunder'd them of their Goods, and fir'd the Bailiffs Houses, and drank up the Mayor's Wine, who was then a Vintner, or what they did not drink they spilt. The King, on Complaint hereof, by a Writ transmitted to the Chancellor, Mayor, and others at *Oxford*, commanded full Enquiry to be made into this Matter, strictly requiring them to certify him thereof, that he might, in due season, redress these Calamities ; but their Certificates disagreeing with each other, he sent *John de Balsam* and *Sim. de Len* hither, to enquire into the Reason of these Distractions, and to make Peace between the University and City ; and in their Report the King acquiesc'd, proclaiming the Scholars Pardons by the Mouth of the publick Cryer ; the King requiring the Persons from hence retir'd, to return again, and join in Endeavours with the City to preserve the future Peace thereof. Some few Days after, the King, to quiet the Commotions now throughout the Realm, assembled a Parliament here ; and thinking it inconvenient for the Scholars to continue at *Oxford*, among such a Concourse of People, commanded them for a time, to depart the City, till the End of the Parliament ; when their Goods, and all their Immunities should be entirely restor'd them, according to his Promise, deputing some Persons to collect their Revenues,

nues, in their Absence for them; moreover promising, that as soon as these Tumults were compos'd, they should be readmitted to their ancient Seat of the University; binding himself by Oath to decide all Differences in the meantime happening between them and the Townsmen, according to Law and Equity, in pursuance of Letters Patents. Feb. 28.

Some say, the Students at Oxford, now censured (according to *Rishanger*) out of the *Matriculation-Book*, to the Number of 15000, were forced from hence by the Barons, and not by the King's Command; (among those dismiss'd, some went to *Northampton*, and others to *Sarum*) M. Paris. which is not very probable: Others say, they were sent from hence on the King's coming to see *St. Frideswide's Shrine*; and others, that the King caus'd this Recess as a Punishment of the Citizens, frequently insulting the Scholars Persons and Privileges, by the Imprisonment of several Students, contrary to the Immunities granted them, as well by the King himself as by his Progenitors; which is neither probable, that the whole University should be dissolved on his visiting of this Tomb; nor is the Banishment of the Scholars just for the Punishment of the City-Outrages.

But what-ever was the Reason of this Recess, all the Students, some few going to *Sarum* excepted, went to *Northampton*, where some of them had lately founded certain Schools, whither many repair'd before the King's Decree: A. D. 1264. And when the King, the same Year, drawing together his Forces at Oxford, mov'd against the Barons, and came to *Northampton*, where they defended themselves, he besieged that City with his whole Army; but the Scholars aggrieved with their late Removal, join'd the

Nobility ; and armed under their own Standard defended themselves, and gall'd the King's Troops more than all the besieged, and so gallantly they behav'd themselves, that the King, on asking who they were, swore that he would hang them all ; who, being frightned with so severe a Doom, on the Victory's now leaning to the King, some of them, with shaven Crowns, fled to the Church for Sanctuary, others' endeavoured to save themselves by flight. The King having, in some measure, suppress'd these Troubles, and in Possession of the City, had, according to his Oath, commanded some of the Scholars to be hang'd, had not some there present dissuaded him from this Execution, fearing least he should thereby incur the Hatred of many Friends, having Sons amongst the Scholars fighting against him ; which induc'd him to pardon them. Soon after, making a firm Peace with his Barons, on the Sup-

Pat. 48. H. 3.

Pat. 2. M. 11.

Chron. Wykes.

Pat. 48. H. 3.

M. 10. A. fol.

53. a. B. 17.

a. E. B. 1. 79.

Claus. 49. H.

3. M. 10.

plication of the City, he caus'd a Proclamation to be made for the Scholars Return to *Oxford*, which they did, on *Midsummer-Day*, under the Conduct of *Sim. de Mountfort*, and the Townsmen readily submitted their Causes to the Decision of certain Arbitrators ; and the King, to unite the Minds of Men, not only forgave all Offences against the Crown, committed by each Side, but shewed the same Benevolence as formerly to this University, and antiquated what he had before granted to that at *Northampton*.

A. D. 1266.

Tho' the King was said to have pardon'd this Revolt of the Scholars, acquitting them from all Punishment ; yet this Matter was under Debate in a Parliament held this Year at *Kensworth*, wherein it was decreed at length, that those who came to *Northampton* under the Command of the aforesaid *Sim. Earl of Leicester*, and on the

the King's Approach fled to the Church, quitting their Arms, should be exempted; but those who came without the Earl were fin'd in the Loss of half a Year's Revenue, such only excepted as held in Fee from him: And among other things it was thus ordain'd, That all *Clerks* affording Assistance to the Barons in their Wars, should lose all the Privileges and Immunities granted by Kings and Popes to this University.

The Scholars returning this Year to Oxford, A. D. 1267. had scarce settled themselves to their Studies, before new Contests arose between the *North English* and *Irish*, and also those of *South* and *North Wales*, join'd by the *Scots*; which grew so high between the *English* and *Irish*, that they were not contented to disturb the Peace of the University, in the hostile Way of School Disputations, but often, even in the midst of the City, Suburbs, and adjacent Fields, fought it out in set Battles; but at the Instance of the Bishops and Nobility, a League was made between them, which some say the Scholars broke before they went to *Northampton*: See the Agreement in Mr. Wood's Antiquities, p. 114. And for the greater Firmness thereof, it was strengthen'd with the Seals of 18 considerable Men, with the Chancellors in the midst thereof, on Parchment; which was the second Peace made between the *Irish* and *North English*, and this remain'd unshaken for many Years. Some will have the Occasion of these Differences to be about the Antiquity of their Country; and from hence it appears, a great Number of *Irish* studied here about this Time, giving the Name to a certain Street in Oxford, call'd *Irishman-street*; which Street has disappear'd long since, and nothing now is seen thereof.

The King (as aforesaid) for the Peace of both Bodies, ordering the Scholars Halls to be tax'd every 5th Year, according to the Discretion of certain Clerks and Laymen, now farther decreed; that all Townsmen letting out any Chamber whatsoever, should submit without delay to the Taxation of these Persons; and also to shew his great Affection to the University, commanded the Sheriff and Bailiffs on occasion to aid and assist the Chancellor in the Execution of his Office, and to support and defend the Privileges and Immunities of the Scholars, according to their Abilities: and upon the Complaints of the University about two Years after, touching Injuries inflicted on them by the Citizens, he sent Geoffrey Bishop of Worcester, with *Reg. Mortimer*, to enquire into the same, and to assert the Privileges granted by him and his Predecessor, a plain Refutation of the partial Error of Archbishop Parker *, who speaking of Archbishop Boniface, says, that he was the first Person that obtained a Royal Charter for the University, and that we have none granted by any King more than that.

Pope Innocent the 4th empowering the Hermits of St. Austin, or the Austin Fryars, to travel the World over, and build Monasteries, &c. they came over into England, anno 1251. and the next Year settled at London in a House built by Hum. Bohun, Earl of Hereford and Essex; tho' in an Epistle Dedicatory to Hum. Duke of Gloucester, 'tis said, that Richard, Son of Gilb. de Clare, Earl of Gloucester, provided them with the first Habitation; who, after their said Settlement, sent some of their Order to hire a House near the publick Schools at Oxford, with a Desire to settle there, and retail out their Knowledge in Divinity and Philosophy to the Students

dents of the University, where they were soon taken notice of, and endow'd, thro' the Bounty of Sir *John Handlow*, a Person of great Riches, then living at *Borsthall* in *Buckinghamshire*, tho' he had many good Estates in the County of *Oxon*; who, purchasing a convenient Spot of Ground, built an ~~inn~~ or Hall for them without ~~Smith~~ Gate, near the present Scite of *Wadham* College on the North-side of *Halywell* Street, together with a Chappel, at his own Expence; which he not living to see finish, committed the Care thereof to his Heirs: which *R. Hen.* at his Request confirmed to them by a Charter; to be read in the aforesaid Antiquities, p. 115. And because this Ground was too strait for a Dwelling House and a Chappel, the King, at *Handlow's* Instance, commanded the Rector of ** Bogo de St. Paul's Church* in the East (whereunto bel. *Clare.*) to grant the Mannor of *S. Crosside Halywell* to grant and demise to them a small parcel of Land of the said Mannor, and in lieu thereof, he had a House given to the Church in *St. Aldate's* Parish by *John de Colestun*, their great Friend and Patron. See the Deed in *Mr. Wood's P. 116. Antiquities* aforesaid. And this the King confirm'd to them by *Inspecimus*, as Pope *Gregory A. D. 1269.* the roth also did by his Bull, upon *Handlow's* purchasing of some other Houses of the Canons Regular of *St. Fridewide's Church*, for the Enlargement of their Seat, according to a Rubrick in their great Register, tho' all their other Records mention not this Purchase. Their Buildings were not only beautiful; and situated in a wholesom Air, but were near the publick Schools, and consequently well plac'd for the Hearing and Performance of all Exercise.

The *Austin* Schools (as already remembred among other Friarly Orders) were distinguish'd

by

by Names taken from *Divinity* and *Philosophy*: and hither they enticed almost the whole University, performing therein all Scholastick Acts in the best manner, thereby thinking to make a great Gain to themselves; and as they were formerly us'd to do their Exercises in Cellars and lower Rooms, they now carried them to *School Street*, on the Increase of their Auditory: And altho' some say, when they first came hither, they were the most rude and illiterate of all the *Mendicants*, and were sent to the Minor Fryars to be instructed in Letters; yet they now made the most considerable Figure in all Parts of Learning here; and from them have we our *Austin* Disputations now in use every Wednesday and Saturday in full Term, from one a Clock to three in the Afternoon, under a Master of the Schools bearing the Office of a Moderator, and for his Trouble receiving of the University, ever since *Henry the 7th's* time, 13 Shillings and four Pence.

A.D. 1272. I shall end this Chapter with the Close of *Henry the 3d's* Reign, which as it was long, so it administered Variety of Fortune to the Affairs and Learning of this Place, which were for some time in so high a Reputation, that Pope *Alexander the 4th*, in a Letter to the English Nobility; called it *the most pleasant Fountain of the Muses*, as *M. Paris* styled it the *second School of the Church*; and considering on what ruinous Foundations the Sciences were now built, it was laudable to behold even so little a Superstructure thereon; for I will not affirm with some, that the liberal Arts were now in a flourishing Condition; but rather conclude with *Reg. Bacon*, that they were drooping and almost expiring with us, as well as among other Nations, from the many Errors got into the
Versions

Versions of almost all Books, whereby Sophistry
 had necessarily overspread the Commonwealth
 of Letters. And tho' by the Study of St. *Austin*
 and *Boethius* the *Peripatetick* Philosophy was
 known to the Western Christians, yet *Aristotle*
 himself was almost a Stranger to this Age, or
 (as *Bacon* says) *Aristotle's* Philosophy came late
 into Use among the *Latins*. The Translation
 of his *Natural Philosophy* and *Metaphysics*, with
 the Comment of *Averroes* and others thereon,
 were in the Year 1237. excommunicated and
 driven out of this Part of the World by the
Papists, by Reason of his *Eternity of the World*
 and of *Time*, and also on the score of his Book
 touching the *Divination of Dreams*, and many
 other Errors translated into the *Latin* Tongue.
William de Moerbeek, a *Brabantius* by Nation,
 and Bishop of *Corinth* in the greater *Greece*, de-
 serves well for his Translation of many Books
 into the *Latin* Language about this time; espe-
 cially *Aristotle's* Philosophy, done at the In-
 stance of *Thom. Aquinas*; and *Thomasius's* Com-
 ment on *Aristotle's* Book de *Celo & Mundo*; as
 also his Translation of the Theological Ele-
 ments of *Proclus* & *Diodorus*. Again, *Aristotle's*
Analytics and the other Parts of his *Organon*,
 came very late into the University. And if the
 Reader considers the great Resort of *Latins* hi-
 ther, he will acknowledge, that there were but
 few Interpreters of *Aristotle* in any Esteem un-
 til forty or fifty Years after this Time: yet I
 would not have him believe, that *Aristotle* was
 not taught here until then; for that is a great
 Mistake; and contrary to the Truth of History;
 since *Affricus Mennevensis* will have it, that *Jo-
 hannes Erigena*, a *Scotchman*, read *Aristotle's* Lo-
 gick to the Students at *Oxford*, even in the
 Reign of King *Alfred*; as also it appears that

Ingul-

IMP.

Ingalpus was a Scholar here at Oxford in the Time of *Edward* the Confessor, and became a great Proficient in the Doctrine of *Aristotle*; not to remember *Rob. Pullen*, *Simon* of *Durham*, and *John* of *Salisbury*, and others too numerous to cite here. But I must not yet forget *John Hamville*, who in the Year 1200, or before, took a Master of Arts Degree in the seven Liberal Arts or Sciences, (among which *Logick* we reckon as one); nor that the Monks of *Greenland* read *Aristotle's* Philosophy at *Cambridge* in the Year 1109.

What contributed moreover to the Decay of Learning during this Reign, besides the Tumults, which were frequent here among the Students themselves, as well as between them and the Townsmen, and the Civil Wars between the King and his Barons, was the Avarice and Luxury of the Scholars and Clerks themselves; and the daily growing Orders of the Religious Clergy, who desir'd so far to introduce Novelties in Point of Faith, that they departed from the Rules and Sanctity of their Founders, and became the very Bane of Religion and Learning. It is true there are some who have ascribed this Declension of Letters to the Reception of the *Imperial Laws* here; but whoever consults *Justinian's Institutes*, will find more sound Reasoning therein, than in all the Works of *Ramus*, *Ockham*, and the rest of that Tribe. Yet I offer not this to dissuade or deprectate the Reading of *Logick* to young Students, since 'tis of admirable Use to them in the Conduct of other Studies; if they can avoid the Chicany and wrangling Part thereof, which is sure to render a Man a great Trifler in his Pretences to Knowledge, but in no wise (I think) more learned or knowing. And thus I finish this

Chapter with the Life of *Henry the Third*, who died this Year, not much lamented by the University, notwithstanding his several Grants of Privileges thereunto.

C H A P. IV.

A Continuation of the chief Troubles happening in the University of Oxford, from the Beginning of Edward the First's Reign, to the End of Henry the Seventh's, with some other Remarks and Matters relating thereunto.

Passing by the Dissensions, which arose at *A. D. 1273*, this time among the Scholars themselves, viz. between the *Welch, Irish*, and those of *Cambray* living here, with the *North-English* and *Scotch*, whose Minds were so much inflamed against each other, that they committed all the Outrages of War imaginable; which were notwithstanding adjusted the next Year, by the means of a Delegacy chosen on each side for this End: And waving also to speak of the several Liberties and Privileges bestowed on the University by King *Edward the First*, on his Accession to the Crown, viz. of citing the Burgessees *Pat. 3. Ed. 1.* and other Laymen into the Chancellor's Court *m. 6. & in Lib. Plac. de Banco, fol. 103, 104.* in all personal Actions, notwithstanding the King's Prohibition, and of setting Affizes and Prices on Victuals, Wine, and other things sold within the University; and also his Confirmation of other antient Charters; I shall hasten to treat of the Accommodation made this Year *Claus. 3. Ed. 1. m. 18, &c.* between the University and City, touching the Number of *Regrators*, who at this time came under

27 *Edw.* 3.
ch. 3.

under the Notion of such as bought by Whole-sale and sold by Retail; tho' afterwards those were only so styled, who bought and sold in the same Market, or within five Miles of it. See 5 *Edw.* 6. ch. 14. 5 *Elix.* ch. 12. 13 *Elix.* ch. 25, &c. who in the *Civil Law* are called *Dardanarii*, from one *Dardanus* the Author of this Offence: And it was now by unanimous Consent agreed unto on both sides, viz. by the University and City; that in the City and Suburbs of *Oxford* there should only be one and thirty *Regrators*; two without *East-Gate*; between this Gate and *St. Mary's Church* four; between this and *All-hallows Church* four; between *All-Hallows* and *St. Martin's Church* four; between this Church and the *Castle* one; in *Cat-Street* two; within *North-Gate* two; without this Gate six; on the high *Bridge* two; between *South-Gate* and *St. Martin's Church* two; without *Smith-Gate* one; and near *St. Mildred's Church* one. Of these more hereafter.

A.D. 1279.

John Peckham, Archbishop of *Canterbury*, held a Synod this Year at *Reading* with an Assembly of *English Bishops*; and being pressed with the Chancellor of *Oxford's* Complaint, made a Decree in favour of our Privileges, and for the Protection of Scholars Goods; and confirmed the Sentence of Suspension and Excommunication pronounced by him or his Commissary against Delinquent Scholars; and also ratify'd the Suspension of all Clerks holding Benefices, and the Sequestration thereof, as oft as the Chancellor should animadvert on them as Disturbers of the Peace, according to a Power long since committed to him; and by other Evidences he testify'd himself a Patron of Learning, and a strenuous Asserter of Discipline here. At the same time, on the recoining of false and clipt Money

Money condemn'd by publick Authority, and brought into the Mint by many *Oxford* Citizens, a great Summ thereof was, by the King's special Order, sent hither, as a Means for the Scholars to buy themselves Provisions.

Olivier Sutton, Bishop of *Lincoln*, being this A. D. 1281. Year advanced to that See, in his Visitation of the City of *Oxford*, demanded an Account of the Actions and Behaviour of the Chancellor and Proctors; and believing, by some Means, his Authority was slighted, resolved thereon, for the future, to deprive the University, then situated in *Lincoln* Diocess, of certain Ecclesiastical Rights claim'd by the Chancellor, who was wont to take Cognizance of Scholars Crimes, belonging of *Common Right* to the Court-Christian: But yet, thro' his Affection to Learning, and being reconciled to the Chancellor, he granted, that if, at his Visitation at *Oxford*, there were any Masters, Scholars or others, by what Name soever called of the University, found guilty of any Crimes of Ecclesiastical Cognizance, especially that of Incontinency, they should be referr'd to the Chancellor's Court, which was yielded by the Bishop on this Condition, that the Names of notorious Offenders, not submitting to the Chancellor's Sentence, should be denounc'd to him, whom he promis'd not to prefer afterwards, until they had made the Chancellor sufficient Amends for their Contumacy. But soon after, far greater Disputes broke out between the University and the Bishop; which grew to that Heighth, that the Archbishop was forc'd to interpose his Authority, as well as his Prayers, to keep the Peace between them, by writing to the University to yield Reverence to their Diocesan, and to the Bp. to moderate his Claim of Right, and

and to abstain from future Grievances; in which Letters there are many things respecting the University of *Paris*, and extolling ours in such a Manner, that they added new Reputation thereunto; for says he, *Quanta utilitatis & quanta sit spei Ecclesia Anglicana, quantique honoris & gloria genti nostra studium Universitatis Oxon. quod diversarum Scientiarum personas producit eximias multiplicium virtutum decoratas ornamentibus, vos planè novistis, & universalis Ecclesia non ignorat, &c.*

A.D. 1283.

Upon Points of some new Differences arising this Year, between the University and City, touching certain Rights and Privileges, some of the Burgeesses were excommunicated by the Chancellor; who believing themselves injur'd by this Sentence, appeal'd to the King, to whom the Proctors of the University, with some of the Citizens applied, residing then at *Turk*, and laid the Case before him and his Council; whereon the King wrote to the University, and determin'd the Matter, by decreeing, that *Rob. Wells*, and other Fellow-Citizens, under the Chancellor's Sentence of Excommunication, should be forthwith absolv'd, and a temporal Punishment inflicted on them for their Crimes, until the Meeting of the next Parliament; and that all Forfeitures arising from *Regrators, &c.* infringing the said Rights and Privileges, should be received by the Servants of each Body, upon their View, or by the first Discoverer of these Forfeitures, and be distributed among the Poor of *St. John's Hospital*; so that nothing do accrue to either of the Parties in suit: And as to all other Disputes among them, they were to continue in the same State, till the King and Council should make further Provision touching them, commanding all Persons so to behave them-

themselves, as to administer unto him no just Cause of Complaint.

The State of Learning was so much corrupted by the Deliriums of the Schools, and the new and subtle Opinions of the *Mendicants*, ever studious of shaking the Foundations of Divinity and sound Philosophy, which the Arch-Bishop could not correct by his late severe Sentence, that *Peckham* now in Visitation of *Osney* Abby, resolv'd to try the Cure, as his Predecessor *Kilwarby* had done, in his Speech full of Advice to the Convocation of Masters, reproving their Ignorance, &c. whereby they had propagated and defended Errors very unworthy of the University, and supported with no Arguments, yea rather invented for Contention sake, being the same which his Predecessor had censur'd, and of which the Chancellor had sent him a List; wherefore, by a Decree, he condemn'd the same to a perpetual Silence, and confirm'd *Kilwarby's* Sentence. These Errors for the most part had their Rise here on the Scholars Return from *Paris* to take their Degrees as usual, after *Michaelmas*, when the *Pre-*
dicants and *minor* Friars disputed and read Lectures with more than ordinary Subtlety. But scarce were these Propositions condemned, which the aforesaid Friars defended, and the *Austin* Friars openly impugned in their Sermons, but a *Dominican* Doctor here, not only attempted
Rich. Knap-
 to resist the Archbishop's Censure, but endeavour'd to sow 80 new Heterodox Opinions among the People, and refus'd to appear on the Archbishop's Summons; who calling a Synod of Suffragans, and other orthodox Men, according to those Times, after a publick Recital of his Heresies, by a Sentence condemned the same, and excommunicated the Authors and
 G Defenders

A. D. 1241.

A. D. 1285.

Defenders of them: But *Hugh de Manchester*, the Predicants Provincial, declar'd to the Archbishop, that none but the Pope had any Power over his Order, and so appealed to the Court of *Rome*, and protracted for a while thereby the Execution of the Sentence. But at last, in
A. D. 1286. a Convocation held at *London*, the Archbishop upon consulting Men of the most consummate Wisdom, and in the highest Stations of the Church, condemn'd eight of the aforesaid Articles or Propositions, as impious and heretical, forbidding all Persons to make any mention thereof, or to defend the same even in their Scholastick Exercises and Determinations. Besides a Difference now arose between the Scholars and the *Friars* (as before intimated) about the Exercise of Jurisdiction over the latter, whereupon the King, on a Report hereof, made
Pat. 15. Edw. 1. m. 15. to him, granted unto the Chancellor of the University, a Power of hearing and determining all personal Contracts and Actions whatsoever, already commenced, or to be hereafter commenc'd and entered into; ordaining, That if any *Friar* should, in any of these Cases, be convict of any Fraud or Injury, the Chancellor might reduce him to Obedience, by his Ecclesiastical Authority; and if he was found a Disturber of the Peace, the Chancellor might commit him to the Hands of the Constable of the Castle here, as a Malefactor; who was to be detain'd in Prison, till such time as he made Satisfaction to the Party offended, and had suffer'd the Punishment due to his Crime.

A. D. 1287. There happen'd the Year ensuing some Disputes between the Scholars and Townsmen, about the Violation of Privileges given unto the University by Royal Grant; wherefore the King, being mov'd with daily Complaints,
 granted

granted 'a Commission to *John de Lincolne* and *Rob. de Lattibury*, to enquire into the Cause; and to determine this Difference, tho' who became of it afterwards, is not so well known; But in the End of the Year 1288. a Controversy of a fierce Nature shew'd it self between the Bishop of *Lisles* and the Masters of the University, who being without a Chancellor, chose *William de Keisette*, a Person of good Abilities; and after their Election, by Proxy, they presented him to the Bishop for his Admission and Confirmation of the Chancellor elect; who slyly refus'd to admit the Presentation, declaring that he would by no Means commit so great Jurisdiction to a Person absent and unknown to him, which not only extended to things temporal, but also to Matters merely spiritual. On the contrary, the Masters alledg'd, that they had, Time out of Mind, been us'd to present their Chancellors elect by Proxy, and without appearing in their own Persons: But when the Bishop disallow'd this Plea, the Masters by way of Resentment, began to supersede all Lectures; and during this Controversy, many Scholars left the University; and going into the Country, demean'd themselves with great Pride and Insolence, towards the Bishop; yea, they refus'd to appear before him at of the Prebends of *Oxford*: But this Dispute was afterwards adjust'd, by the Mediation of some discreet Men in the Week before *Whitsontide* following; and upon the Bishop's Admission of their aforesaid Presentation, the Masters resum'd their Lectures, and began to read solemnly in their Chambers the *Friday* in the same Week.

No sooner was *Rob. Wells*, the Bailiff of *North-Gate* Hundred releas'd from his Excommunication on the foregoing Royal Mandate,

but he began to insult the Masters, and to lord it over them; first, by denying them their ancient Liberties and Privileges enjoyed by them in this Hundred from Time out of Mind, *viz.* the Right of Cognizance, and of judging in all and every Cause of Action arising from Contracts made between the Scholars and Townsmen there. *Secondly*, by defaming them with Lies, and by impeaching the Masters of the University in the King's Courts unjustly, with Theft, Rapine, &c. which was only their seizing of Timber, Stone, and other Nuisances lying in the Streets, and therefore, by a Statute, forfeited to the University. *Thirdly*, by imprisoning the common Servant of the University for two Days together, in the Goal without *North-Gate*; and exciting all Persons living without the said Gate, to resist the ancient Liberties of the University. *Fourthly*, by attaching, with the King's Writ, the Chancellors Commissary, and one of the Proctors, together with some other Masters and Scholars, and also many of the common Servants of the University, in order to answer such Complaints, as he should prefer against them in the King's Court; these were the Crimes for which he was, by the Means of the Masters, removed from his Bailiwick; and lest that the said *Robert* should be restor'd to the same, or to some other within the City or Suburbs of *Oxford*, and thereby disturb the future Quiet of the University, through his Malice and seditious Dealings, there was a Statute or Provision made by the common Consent of the Masters, that in case the said *Robert* should at any Time procure such Restitution in the City or Suburbs aforesaid, they would supersede all Lectures until he was totally and forever remov'd and discharg'd.

At a Parliament held this Year, an End was *A. D. 1290.*
 put to all the Disputes, for so many Years re-
 maining between the University and City, *A. 16. & 69.*
 touching several Liberties, Privileges and Cu- *B. 12. & 80.*
 stoms, to the Satisfaction of the University; *C. 60. a.*
 for now the Chancellor and Scholars as well as *18 Edw. 1. c. 1.*
 the Mayor, (who before had the sole Authority) *Rob. 1. c. 1.*
 had the Power granted to them of having the
 Custody of the Peace, and of the Assize of Vi-
 ctuals, and also the Power of determining about
 Weights and Measures. The Articles objected
 by the Burgeses against the University, and
 consider'd in this Parliament, were eleven in
 Number, complaining *first* of the Privileges of
 the University, and particularly of that where-
 by they were forbid to arrest and imprison any
 Scholar suspected as Malefactors. *2dly*, They
 complain'd of Regrators, Hucksters and Fore-
 stallers. *3dly*, Of the Bail and Sureties which
 Townsmen were forc'd to find on their commit-
 ting any Offence against the Scholars. *4thly*,
 Of the Mayor and Burgeses Oath of Fealty to
 the University. *5thly*, Of the Mulcts and A-
 merciaments, and of the Forfeitures of corrup-
 ted and vitiated Flesh and Fish. *6thly*, Of
 those who enjoy'd the Privileges of the Univer-
 sity. *7thly*, Of demising and letting out of
 Townsmens Houses to Scholars. *8thly*, Of ci-
 ting Townsmen into the Chancellor's Court.
9thly, Of convening Strangers, or extraneous
 Persons into the said Court in Causes relating to
 Scholars, *i. e.* where a Scholar is one of the
 Parties litigant. *10thly*, Of the Claim of Clerks
 or Scholars, and their Causes from foreign
 Courts made by the Chancellor of the Univer-
 sity. *11thly*, Of the Taxations of Scholars
 Halls or Inns. And these were the Points
 whereon the Citizens petition'd the Parliament,

and the King answer'd them hereunto, in Defence of the University, declaring the same to have been in Possession, of these Privileges *optima fide*, as appears from very ancient Charters and Customs.

A. D. 1291.

The Fryars of the holy Trinity being desirous to settle at *Oxford*, *Edm. Plantagenet*, Earl of *Cornwall*, and a great Patron of the *Religious* in *England*, at the Intreaties of these and other Fryars favouring them, purchas'd of the Prior and Fryars of *St. John's Hospital* here, certain Tenements lying between *East-Gate* Westward, and *Magdalene Bridge* Eastward, leading to the Fields behind *Merton College*, and yearly rendering to this Hospital, in lieu of all Dues, a Pound of Frankincense. *Edmund* pulling down these Houses, built a Mansion House and Chappel, and by a Deed, the next Year, gave it to these Fryars; and soon after, King *Edward I.* at *Edmund's* Request, ratified and confirm'd to them and their Successors for ever, the Grant thereof. About which Time, *Merton College*, and the Vicar of *St. Peter's* in the East, wherein this House and Chappel stood, granted unto these Fryars to have a free Oratory, Chauntry, and a Burial Place, which the Bishop of *Lincoln* approv'd and confirm'd unto them. Then to enlarge their Bounds, they purchased of the Mayor and Citizens of *Oxford* a small Piece of Ground, with Buildings thereon, paying to the City 13 s. 4 d. per Ann. but this Rent being afterwards unpaid, *William de Paris* and *Hen. de Leeds*, were, on the Demand of the Mayor and Commonalty, oblig'd to covenant for them and their Successors, that if, for the future, this Rent, or any Part of it, should be left unpaid, for the space of a Week after due Demand, the Mayor and Burgeses might re-enter and distrain

strain for the same. There was formerly an
 ancient Chappel on the North side of the Street
 within *East-Gate*, dedicated to the *Trinity*, which
 these Fryars endeavoured to obtain of *St. Fri-*
deswide's Priory, with the Ground adjoining to
 it, resolving to quit their old House, being too
 narrow for them, and to go thither. After a
 vain Attempt hereof for some Time, they at
 length obtain'd a Demise of an adjoining Shop,
 and two empty Spaces of Ground, upon an In-
 quest confirm'd unto them by *Edw. II.* whereby ^{E. 2.}
 it was consider'd, what Damage would accrue
 to him on this Concession; as they also bought ^{Edw. 2.}
 of the City three other Pieces of Ground, un-
 der the Town Wall, the one reaching in length
 from the Postern near *Smith-Gate*, opposite to
Hart-Hall Corner, unto a Spot belonging to *Tri-*
nity-Chappel, on the North thereof, and granted
 to them for ever, by the Priory of *St. Fri-*
deswide, and the other two lying contiguous on the
 South side thereof, and reaching to a Bastion at
 the End of *Rusceval-Hall* Court, yielding there-
 fore a yearly Rent of 13 s. 4 d. After these
 Purchases, they, not able to transfer them-
 selves according to their Desire, with a Royal
 License, procur'd a Writ of Enquiry to the
 Sheriff, to report on the Oath of a Jury im-
 pannel'd, " touching the Damage the King, or a-
 ny other, might suffer, by this Removal of
 the Fryars to *Trinity Chappel*, within the
 Gate, which they had lately purchased by
 the King's Leave, with other Parcels of
 Land, &c, there to build and dwell for ever,
 &c." Whether ever this Inquest made any
 Report thereof, or whether the King gave
 leave, I know not: Yet 'tis certain, *Edw. III.*
 gave them Leave to build and live there, on
 condition they would make a Chauntry therein,

for their Founders and Benefactors ; and here they liv'd till they were all killed by an epidemical Sickneſs, *Anno* 1351. when their old Houſe and Chappel eſcheated to the King, and their Lands to the Lord of the Fee, for want of an Heir or Poſſeſſor. On the Return of theſe Fryars afterwards to their antient Seat without the Gate, upon a Tranſplantation from *Hounſlow* Convent, of a new Set of them, the Mayor and Burgeſſes re-entring their Houſe and Chapel, the Founder of *New College* bought theſe Ground-plots, unto whom the City remitted the aforeſaid Rent, to be ſeen hereafter, and as theſe Men had the King's Leave to remove, ſo had they the ſame to return, where they liv'd till the Diſſolution of the Houſe.

A. D. 1294.

Rog. Weſen-
ham.

I ſhall paſs by the Diſpute renewed this Year between the Univerſity and the Biſhop of *Lincoln*, touching the Admiſſion and Confirmation of a Chancellor to that Office, who was choſen by the Maſters, and preſented to the Biſhop by their Proctor, *Peter de Medburn*, Doctor of Laws, in the Name of the whole Congregation, but was not admitted and confirm'd without ſome Difficulty, the Biſhop declaring, that the Chancellors were not elected, but only nominated by the Maſters ; and proceeded to ſpeak of the riotous Behaviour of the Scholars, reſorting hither in ſo great numbers, that it imploy'd the whole Care of our Magiſtrates to govern them ; for though the Chancellor had puniſh'd ſome with Excommunication, and others with Suſpenſion, yet their Inſolence and Contumacy was ſuch, that they would rather quit the Univerſity than obey his Cenſures : wherefore he wrote to the Biſhops to aſſiſt him herein, who for Answer return'd, that if any beneficed Clerk was found in Rebellion to the Diſcipline of

of the University, on a Demunciation of his Name, he should either suffer the Pain inflicted on him by the University, or stand deprived of all the Profits of his Living for a certain Term of Years ; and if the Offender had yet no Benefice, he should be for the future rendred incapable of holding a Benefice. See the Archbishop of York and the Bishop of Winchester's Letters.

Reg. Winchester, fol. 171.

Tur. Schol. Pix. 11. N. 4.

Upon a Grant of the Bishop of Lincoln, an. 1230. for observing of Processions and other Solemnities at *Ensham* Church near *Oxford*, in obedience to the Mother Church of *Lincoln*, in the *Whitsun* Week, many of the Scholars repairing thither on the score of jovial Doings, were assaulted by the Country People, who killed some, and wounded others, and forced the rest to fly back to *Oxford* through Fear of their Lives. But the Bishop, on a Report hereof, excommunicated the Authors and Abettors of this Sedition, in all the Churches in *Oxfordshire*, by Sound of Bells and Lighting up of Candles, &c. excluding them even from the Chancels of Churches, and depriving them of the Society of Christians, and the Benefit of Confession : Which Excommunication lasted till the Feast of *St. Bartholemew* following ; and what was the Issue thereof, or what other Punishments were inflicted, is not recorded ; but the Scholars resented this so highly, that intermitting their Lectures, they resum'd not the same, till the Offenders had undergone the severest Punishments. But on their resuming their Lectures, *Oliver Saccar*, at their instance, requested the Pope's Permission for the Doctors and Masters at *Oxford*, to become Lecturers and Regents in any University whatsoever, without any farther Examination ; which Petition of the Bishop not only shews

A. D. 1296.

Boniface 8.

shows the Honour and great Antiquity of this University, but that the Scholars received the Power of Reading, &c. from the Pope for many Ages before; as they did in other public Schools of Learning. See the Petition in *Wood's Antiq.* Not do I doubt, but that the Pope granted the Bishop's Request, through his good Inclination to this Place of Study, having formerly given hereunto many Privileges.

P. 141.

4 D. 1297.

But the Conflict, which ensued the next Year between the Scholars and Townsmen, was of far more dismal Consequence than the Ruffe the Students received at *Engham*: This Conflict was begun on the account of two Varlets of different Countries falling together by the Ears on some trifling Occasion; some endeavouring to help the one, and others the other, in respect of their Countries, the Fight was transferred to their Favourers, and the Skirmish so far increased, that the Scholars and Townsmen leaving their Houses, came to fight it out in an open manner, and many were killed on both sides particularly one *Fulk de Neyrmislo*, Rector of *Pichriston*: whereof a Complaint being made to the King, he sent his Judges to restore the Peace, and condemn the Homicides; who on their coming to *Oxford*, and hearing the Matter, obliged the Townsmen to pay unto the Scholars the Sum of 200 l. for the Damage they had done them in the Plunder of their Goods. And thus far from *Walsingham*. But Mr. *Wood* gives a much larger Account hereof; refusing the false Assertions of those who say this Difference happen'd at *Cambridge*, an. 1260. and not at *Oxford*; which Relation, because of its Length, I rather chuse to refer to, than give it in this Place; tho' I must surmise that the Townsmen were readily disposed hereunto, by their

Chron. Edit.
1603. p. 69.

their Disinclination to the Chancellor's Authority, and from their Aversion to maintain the Immunities of the University. Their Hostilities continued for many Days together with such Outrage and Fierceness, that the Scholars were at last compelled to leave the Place, and retire. But no sooner was the Bishop of *Lincoln* acquainted herewith, but he excommunicated the Townsmen, according to the usual Form, with Bell, Book, and Candle; under which they remained from *Easter* till *Ascension* Day, the Sentence being read every Sunday during that time, in all the Parish Churches within the Archdeaconry of *Oxford*; when at length the University and City came to an Agreement, upon their paying the Fine imposed on them by the King's Judges, and obliging themselves to yield and submit to all the Liberties and Privileges of the University hitherto used, in all and every Article; and on their Restitution to the Chancellor, of all such Persons, as had been rescued and set at liberty by the Bailiffs of the City, on their Commitment to Prison by the Chancellor.

But yet, notwithstanding these Bloodsheds and Diffusions; and altho' *Minerva* at this time seem'd to give place to the angry God of War; yet the next Year the sixth Book of the *Decretals* being very lately brought into the University, the Scholars began to read the same, on the Recommendation of *Boniface* 8th not long before. And from this Pope's Letters some have inferr'd, that *Cambridge* was not at this time reckon'd among the Number of Universities, for that this Book is not in his Letter recommended to it, as it is to *Paris*, *Oxford*, *Bologna*, and *Salamanca*, and many other Places; yet he directed it to no other Place, under the Name of an University, besides the four Places or Schools

Schools of Learning just now mentioned: But I shall not now proceed on this Head, having already given a more early and probable Beginning to that University.

A. D. 1300.

The Animosities between the University and City again reviving, King *Edward* sent Commissioners to heal their Differences; and soon after, on the Scholars Complaint of the publick Ways near *Oxford* neglected, and of the great Filth and Nastiness in the very Streets of the City it self, commanded the Mayor and Bailiffs by a Writ sent to them (and inserted in the *Appendix*) forthwith to see that all the Lanes and Streets were repaired in their Pavements and Pitchings, for the future removing from thence all Swine; as he also by Writ commanded the Sheriff to see, that the same Care was taken in the Suburbs; whereby every Townsman was obliged to mend the Way before his own Door, and to remove all Nufances of Stone, Timber, Dirt, &c. Yet all these Matters were to be done according to the Discretion of the Chancellor and Proctors for many Years past, having had the chief Power herein; and as oft as the Townsmen refused to obey the University in respect of cleansing the Streets, recourse was had to the King's Writs, to be met with in the 33^d and 34th of *Edward* the 1st, and not only levelled against the aforesaid kind of Nufances in the Streets, but also against Tallow-Chandlers melting Tallow, &c. in the Streets, before their Doors, or in their Houses, infecting the Air with noxious Smells and Stenches, to the prejudice of Mens Healths. *Edw. III.* in the 5th Year of his Reign, commanded the Chancellor and Mayor to see that Clerks and Laymen, i. e. Scholars and Townsmen, did every third Year repair the Pavements of the Streets,

Streets, so far as each of their Houses reached in Length; which Writ was afterwards repeated. Of others I will not here speak, tho' our Kings have from time to time sent a great many to this End, whereby we enjoy a pretty wholesome Air even to this Day.

The King this Year calling a Parliament at *Lincoln*, with which he resolv'd to consult about his Right to the Travers'd by Pope Boniface the 8th, whom the *Scotch* had corrupted with Money; whereupon he sent for four or five of the most able *Civilians* from hence; and two or three from *Cambridge*; but *Oxford* only sent two; for which see *Prynne's Animadversions on Cooke's Fourth Part of his Institutes*, Chap. 44.

Pope Boniface, in Friendship to our University (the foresaid) did either in this or the foregoing Year, by his Bull in the *Appendix* Page xiii.

confirm all the Royal Charters granted heretofore, exempting it from the Power of Archbishops, Bishops, and all ordinary Jurisdiction; which yet Mr. Wood thinks was obtained from Pope Boniface the 9th, on his Entrance on the Papedom, anno 1389. first, on the Students Refusal to acknowledge Archbishop Arundel's Jurisdiction, on his attempt to visit the University, being exempted by the Authority of a Papal Bull from Archbishops, Bishops, &c. which Bull Richard the 2d by Writ commanded to be rejected, Boniface the 10th being then in the *See* of Rome; and for that this Exemption was more probably granted at the Scholars Request than living there (as the King's Words *ad instructionem* seem to declare) than at the Prayers of those commorant in the University almost 100 Years before. Besides, 2dly, when the *Doctors* and *Students* openly accus'd our Chancellor

lor and Masters, in a Convocation of the Clergy held in the Province of *Canterbury*, for obtaining this Bull; they said, that this ought to be the more resented, because the Exemption was modern, and lately purchas'd. Moreover, sally, when the Scholars refus'd to appear at the Archbishop's Visitation, pretending the Authority of this Bull, Pope *John*, on the Archbishop's Complaint, by a Bull dated at *Rome* in the 2d Year of his Papacy, irritated and annul'd this Bull, expressly calling of it *Nullum* the 9th's, and order'd the University to become subject to the Metropolitcal Visitation. Again, (says he) if *Boniface* the 8th. granted this Bull, why was the Agreement made between the University and the Archdeacon, to be hereafter shewn? Why also did a Custom prevail after his Papacy, of presenting our Chancellor to the Bishop of *Lincoln* for his Confirmation? This *Boniface* not only granted Leave for reading the *Divine*, sals here (as before remembred) but also at this time releas'd us from a Royal Tax, exempting the Clergy from Tenth and Fifteenth. The Scholars being in distress for want of Halls and Inns, now in the Possession of the Citizens, refusing to yield them up to them, in pursuance of antient Statutes, whereby they were forbid the future converting of their Houses to Common, to any other Use, provided they *bona fide* paid the Yearly Rent, as tax'd by Clerks and Laymen aforesaid; the King, on Complaint herof, by Writ commanded the Townsmen to quit their Possession of the Scholars Halls, especially now since the Students had resum'd the reading of Lectures; and what induc'd the King to see his Commands executed with more strictness, was the Refusal of *Scotch-men*, whom he would have reside at

Oxford,

Oxford, lest the young Nobility and Gentry of that Nation, by a foreign Education, should be poison'd with State-Innovations; and on his Return from his Expeditions thither, he brought all the Scotch Prisoners to receive their Education here. And indeed so far had the Citizens insinuated our Laws and Customs, that they were now summon'd into the King's Court, and on hearing of the Cause, were by his Command forbidden all future Violations thereof. The first Crime charged on them was their suffering the Number of Regrators to increase, contrary to the late Agreement between them and the Scholars, limiting them to one and thirty; which Agreement being reported to the Parliament, and afterwards to the Privy Council, the King by Writ signified to the Mayor and Burgesses, that he would have them abide by the same Agreement, if according to Equity. 2^{dy}. They pray'd him to prohibit the City Bailiffs, in meddling in and about the Weight and Measure of Bread and Beer, without the Advice and Consent of the Chancellor, or his Deputy or Deputies, according to an Ordinance of Henry the 3^d, ratify'd and confirm'd by Edward the 1st, by his Writ aforesaid, expressly commanding the Burgesses not to meddle herein without the foregoing Advice and Consent. 3^{dy}. This Writ moreover commands the Mayor and Citizens to aid and assist the Chancellor, upon an Occasion, in arresting and imprisoning Disturbers of the publick Peace. And lastly, commanding that they would not hinder Strangers, and Persons not free of the Town, from selling their Wares by Wholesale here according to Custom, if they did not sell by Retail within the Town. And at the same time Letters or Writs were sent to the Citizens about their

33 Edw. 1.

their observing the Privileges and Immunities, which this King and his Predecessors had granted to the University, which yet were not regarded; for the Townsmen being enrich'd by Trade, through the vast Number of Scholars, fortify'd themselves in their Wealth, and not only despised the Students here, but also shew'd Contempt and Resistance, even to the King's Commands.

A. D. 1305.

*Clauſ. 33.
Edw. 1. m. 2.*

The King, on a Report of the many Inconveniencies attending the Exercises of *Juſts* and *Tournaments* near this Place, and of the Prejudices accruing to Scholars thereby, and also having fresh in mind the frequent Complaints made to his Predecessors against the same in *Cambridgeshire*, and the several Quarrels ensuing thereon, by Writ to the Sheriff prohibited these Sports; with a Design, as some think, to secure himself against evil Conspiracies hatch'd at these and other celebrated Games, commanding the Chancellor and Burgesſes here to fortify the Town-Walls, and to shut up their Postern Gates, which till now were without Doors; for that (as he said) Men of bad Fame lurk'd in the Suburbs, and were sometimes received into the City.

—1307.

And now coming to the End of King *Edward* the 1st's Reign, I shall shew a Reason, why Learning made no greater Advancement thro' this Prince's known Affection thereunto; who was so far displeas'd at the Papal Provisions of Ecclesiastical Livings and Dignities conferr'd on Foreigners, that out of a pious Care for Religion and Learning he apply'd to Pope *Clement* the 5th, for a speedy Remedy hereby; and against these ill Practices were the Statutes of *Provisors* made, to prevent the entire Diminution of the Number of Students here, at the

Close

Cloſe of *Henry* the 3^d's Reign, amounting to thirty thouſand ; and tho' the Decrease hereof may be in ſome meaſure imputed to the Plague then more frequent here than ſince, and alſo to the Fryars enticing away young Scholars into their Societies ; yet moſt Writers of that Age chiefly aſcribe this ill State of Learning to the Papal Proviſions, i. e. the Grants of Benefices not yet void to Strangers. To confirm the Truth of the foregoing Number of Scholars here at the End of the late, and Beginning of this Reign, Mr. Wood ſays ; Firſt, That the Number of Halls and Inns here, whereof he had ſeen a Liſt of their Names and Situations, were above 300. 2^{dly}, That there were no leſs than Ten Religious Houſes then in *Oxford*, wherein Scholars dwelt. 3^{dly}, That the Number of Victualling Houſes, wherein Scholars lived, was great ; as was that of Cottages in the Suburbs, and of Houſes on the City Walls and Gates. 4^{thly}, He remembers the flouriſhing Trade of the Citizens from the ſeveral Parts of the Town aſſign'd them to vend their Commodities, as the *Drapery*, the *Cordwainery*, the *Fletchery*, *Cotelary*, &c. Places now only known to us by Name. 5^{thly}, The great Reſort of Students from all Parts of *Europe*, repairing hither on the Score of Literature, as *Welch*, *Scotch*, *Iriſh*, *French*, *Italians*, *Spaniards*, *Bohemians*, *Poleſians*, &c. and becauſe the Chancellor was not able of himſelf to intend the Government of them, beſides his Commiſſary he was wont to depute, for his Aſſiſtance, in hearing the Cauſes ariſing from ſuch a Concourse of Men, a Perſon called the *Hebdomadal Judge*, or Arbiter, much like to the preſent Aſſeſſor in Power.

The next Year King *Edward* II. to demonſtrate an early Care of the University, during

Pleasure granted, that it should be lawful for the Chancellor to convene any Citizen before him, notwithstanding any Prohibition of his to the contrary; and at the same time, another Writ was sent to the Sheriff, Mayor and Bailiffs strictly commanding them to assist the Chancellor in the Execution of his Office, and in no wise to infringe the Privileges granted by him or his Predecessors to this University.

The Year 1310. supplies us with nothing, besides the Increase of the Number of Regrators now in Oxford, exceeding a Hundred, contrary to the aforesaid Agreement, which was made for the mutual Advantage of Scholars and Townsmen dwelling here; the Chancellor and Masters hereupon impeached the Townsmen before the King, and so far prevailed in their Suit, that he determin'd the Matter by two Writs, the one dated *May 14th*, and the other *September 26th*: The Tenor of the last runs thus, speaking to the Burgesses, viz. *Vobis igitur mandamus, sicut alias mandavimus, quod si ita est, tunc id quod per vos contra ordinationem prædictam, ad damnum prædictorum Cancellarii & Scholarium, & aliorum in villa inhabitantium & confluentium ad eandem, est minus rite attentatum in hac parte, faciatis sine dilatione emendari, dum tamen per hoc nobis nullatenus præjudicetur, vel causam nobis significetis, quare mandato nostro prædicto alias inde directo minime paruistis.*

A. D. 1311.

The Dominican Fryars here at Oxford refusing to undergo any other Examination than that of their own Order, began this Year to cavil at some of our Statutes made (as they said) in Fraud and Prejudice of their Society; whereby they came to such a Rupture with the Scholars, that the same was the next Year carried to the Court of Rome: First, complaining of a Statute made

made 60 Years before, against Persons being Inceptors in Divinity, until they had been Regents in Arts; whereunto they were admitted only by the previous Consent of the Chancellor and Masters every Master having a Negative Voice herein as to the Grace sued for: And this, they said, was an Injury to them, in that they became *Regulars* even in their most tender Years, and thereby rendred themselves incapable of this Regency, as contrary to the Institution of their Order. 2dly, Impeaching a Statute touching *Vespers* performed by Inceptors in Divinity at *St. Mary's Church*; but antiently celebrated by these Fryars in their own House, as they were by others formerly in the Schools. They moreover complained of the Sermons, preached for the Degree of a Batchelor in Divinity, and now transferred from their House and Schools to the said Church; the antient and approved Customs of the University being hereby lost, which every one at the taking a Degree was sworn to observe: And further, that this Place of the Masters Appointment was not so well adapted for Sermons and Disputations, as their own House, being remote from all Noise and Disturbance; and that the University had not Power to make this Alteration. 3dly, They condemned a Statute, empowering Batchelors in Divinity alone to read on the Bible in the University, as a preposterous Way of Study for them to explain the holy Scriptures in the most difficult Parts, without knowing the Elements of Divinity; it being not of that difficulty to read on the Bible; as on the *Sentences*; and therefore ill done to lessen the Number of Expounders on the one to increase the Number of the other, contrary to the Custom at *Paris*, where the Students expounded twice on the Bible, before

they proceeded to the Sentences. *4thly*, They blamed a Statute made about nine Years before, requiring the Consent of the actual Regent and the Majority of the Non-Regent Masters, for the Confirmation of any Law or Statute made : So that when the Statutes were made about expounding as aforesaid, and transferring Disputations, only the actual Regents with part of the Non-Regents, and one Physician, gave any Vote thereunto ; the actual Regents in Divinity, *Canon* and *Civil* Law all dissenting ; yet the Divines ever submitted to these and other Statutes. *5thly*, They disallowed a Statute obliging every Graduate first of all to swear to the Observance of the Laws and Customs of the University, the Imposition of this Oath being prejudicial to them, especially at this Season ; the Oath forbidding them the Consultation of Lawyers, and frightening Scholars from their Converse, left contrary to their Academical Oath, they should too much favour the Fryars. *6thly*, That the Laws of the University were enacted without mature Deliberation, which wou'd therefore among wise Men lose their Force. And lastly, among their Grievances was reckon'd the Non-Admission of one of their Order into the Congregation, with the rest of the Masters. Such and the like Reasons were the Grounds of all their Quarrels with us ; who, on their Complaints, having no other Relief from the King, shap bare Letters to the University to cease aggrrieving them, and to yield them their Privileges and Customs entire had recourse to Pope *Clement* the 5th, by an Appeal ; which by their Proctor *Warwyke*, they presented to the Chancellor and Proctors, according to Form : But on the Chancellor's Refusal to admit the same, their Proctor the next

Day would have read it publickly in the Schools, had not the Chancellor's Minister and others of his Appointment prevented it; yet he soon after endeavour'd to read it at a Congregation of Masters in *St. Mary's Church*; and being turn'd out from thence with his Attendants, he got up to an open Window, and in a loud Voice recited the same, with a Protestation of so doing in the Church, had he not been excluded by Violence; and after affixing a Copy thereof on the Doors, he thus departed with his Notary and Witnesses, not a little rallied by the Reproaches of the younger Students. The Fryars hereon, by Application to the King, had a Writ directed to the Scholars, not to molest them in their Liberties and Privileges, who, on a Transmission of their Royal Charters, by Counsel, in the next Parliament, obviated all the Fryars Objections. But the Matter did not rest with the Judgment of Parliament, for they afterwards solicited the Pope's Determination, either then at *Rome* or *Avignon*, by Persons delegated for that end; and pray'd him to grant the same Bull to them as *Alexander the 4th* had A. D. 1255. done to the Fryars at *Paris*: which was oppos'd on the behalf of our University, on the different Conditions of these and those Fryars; and instead thereof, on the humble Suit of our Advocates, he decreed the Determination of all such Controversies to be made at home in *England*, by reason of the insufficient Income of the University to maintain Suits at the Court of *Rome*. Archbishop *Reynolds*, in the midst of —1313. these Troubles, employ'd his good Offices with the Chancellor and Masters, and by Letters endeavour'd to bring them into an Opinion with these Fryars; and that they wou'd suffer one of their Order to expound on the Bible without

a previous Reading of the Sentences, writing other subsequent Letters to the University in their behalf, which for a while gave them some Comfort; until an Agreement was made between the Students and them, by the means of an Arbitration afterwards confirmed by the King; and was as follows, *viz.* That *first*, all *Vespers*, according to a Statute lately made should now be transferred to St. *Mary's* Church and be for ever celebrated there, and not in Houses, as antiently. *2dly*, That the Examination Sermons, preached by *Secular* as well as *Religious* Batchelors in Divinity, before their Inceptorship in that Faculty, shou'd, in pursuance also of another Statute made twelve Years since, be now transferred to the said Church, contrary to a Custom of the *Predicants* and *Minorites*, whose Members were wont to preach them in their own Houses; yet on this *Proviso*, That every one, after his expounding on the Sentences in the publick Schools, should be oblig'd to preach another Sermon at their respective House, before their Admission to a Regency in Divinity. And lastly, as to all other Articles of this Award, they were to be governed according to the best Discretion of the University, confirming those Statutes which the *Dominicans* complain'd of. And thus by this Arbitrement the Fryars, to their great Mortification, obtained only the Use of their own Schools for Lectures, Disputations and Determinations; and in these Exercises also, even as to other Respects, they were to conform themselves to the Statutes of the University; whereby their House soon lost that Resort of Scholars, and the Profit, which did accrue to it by so feeble a Discipline.

But

But the Conflict, which happen'd this Year between the Northern and Southern Men, joined by those of the Western Parts, had a worse Fate: for therein were killed several Persons, and many others much wounded. Upon Notice hereof given to the King, with an Account of some other Differences now in Agitation, he order'd Commissioners to Oxford to enquire into the Occasion, and after the Authors of this Mutiny. What these Commissioners did, and what Punishments they inflicted, I know not; for it is certain that Rob. Bridlington, one of them, escap'd; for he some Years after, upon ill Treatment from the Townsmen, complain'd thereof to the Archbishop of Canterbury, who by Letters laid the whole Matter fully before the Bishop of Lincoln.

Moreover the King, upon the Chancellor's Request, by Writ commanded the Sheriff not to suffer the Privileges of the University to be any wise infringed: and that he would, as often as Need requir'd, assist the Chancellor in maintenance of the Peace here: And also this Year confirmed a Composition made between the University and City, An. 1290. and also all the Privileges granted unto us by King Henry the 3d.

There also arose about this time another Dispute between the University and Bishop of Lincoln, who claiming the Power and Jurisdiction of the Chancellorship during the Vacancy of this Office, excommunicated all Persons disallowing of his Jurisdiction, until a succeeding Chancellor was presented to him: a Part of which Sentence of Excommunication you read in the Register of John Daldorby, Bishop of that Diocess, in these Words, viz. *Cum nonnulli famae sua prodigi, vacante in Universitate Cancellarii officio,*

officio, jurisdictionem ad illud officium pertinentem (prout ex fide-dignorum relatione intelleximus) perperam exercere. presumant, in nostra jurisdictione prejudicium manifestum, & Episcopalis dignitati contemptum, &c.

A.D. 1315.

But King Edward the 2d the next Year discover'd his Affection to this University in a more evident manner, by re-confirming all the Privileges given and ratify'd unto us by King Henry the 3d : As first, his Charter granted unto us on the 10th of May. *Vide Append. p. vi*

— 1244

2dly, His Grant unto us about the Taxation of Scholars Houses. *Vide Append. p. viii.* 3dly,

1255, &
1261.

His Grant of the 18th of June and 6th of February, touching the four Aldermen and eight Burgesses Assistants. 4thly, His Grant of the 2d of February, exempting all Clerks and Scholars at Oxford from being on Law Juries, altho' in possession of Lay Fees. 5thly, His Grant unto us of the 21st of June, whereby he confirm'd the Privileges granted unto us at Woodstock. *Vide Append. p. vii.* Nor did the King's Friendship rest here ; for on notice given him of certain Malefactors lurking in the City and Suburbs thereof, with a Design to disturb the Peace of the University, he straitways dispatch'd a Writ to the Mayor and Bailiffs to seize and arrest the same with all Diligence.

49 H. 3.

52 H. 3.

But in the Controversy again renewed between us and the Preaching Fryars, and now carried to the Court of Rome, (notwithstanding the aforesaid Arbitration) the King in two Letters to the Pope, recommended them to his Care, highly extolling their eminent Piety ; and subjoined, that this Order was in much Esteem with all his Ancestors, and therefore prayed his Holiness so to adjust the Matter on both sides, that the Fryars might have no Reason

— 1316.

Reason to complain of their Loss of Liberties ? And such an Influence had these Men over him, that, on the Scholars Accusation of his Partiality to them as the aforesaid Court, he threatened (as some say) to suppress and dissolve the University, unless better Treatment was shew'd them by the Scholars. Nor had they only the King on their side, but by their base Insinuations and lying Artifices, they purchas'd the Favour of many Noblemen and Bishops; Archbishop *Reynolds* writing to the Cardinal Bishop of *Osie* in their behalf, wherein he much blam'd the Injustice of the University, in keeping them from their Degrees. Yet notwithstanding this, the Students knowing the Right of their Cause, shew'd little Regard to the Letters sent them by the King, Nobility and Bishops, resolving not to part with their Rights and Privileges on any Terms : And tho' the King at this time shew'd such a Disposition to them ; yet such was the Inconstancy of his Nature, that the very next Year, by a Letter to the Pope, he *Vide Append.* intreated him to vouchsafe a Hearing to the *P. xxi.* Masters and Scholars in this Affair, wherein he no less shew'd his Partiality to them. And to *A. D. 1318.* such a Height of Insolence were these Fryars now arrived, that being transported with Joy on the account of some new Privileges granted them by the Pope, whereby they pretended an Exemption from the Chancellor's Jurisdiction, they began to contemn both him and the Masters, and to stir up Sedition among the Scholars. The King therefore, on the Complaint of the Chancellor and others, by Writ order'd the due Punishment of these Malignants, notwithstanding the Pretence of any Papal Bull whatsoever, if they did not submit to the Chancellor's Power in the Cognizance of all Crimes

com-

committed by Clerks or Laymen within the Precincts of the University, in pursuance of antient Charters (*Mayhew* and *Relong* only, excepted): And as a further Argument of their Pride, they assum'd to themselves the Pastoral Power of giving Absolution within the University, only granted to the Chancellor; and within the Archdeaconry of *Oxford* to the Sacrist of *Osney*; wherefore, the Bishop of *Lincoln*, on a Complaint hereof, by Letters to the Archdeacon's Official, to be published in all the Churches in and near *Oxford*, forbid all Persons to acknowledge any of these Friars as their Pastor, under the Pain of an Excommunication.

The Conflict, which happen'd the last Year, near *Catfreet*, between the Northern and Southern Men, wherein a Townsman was killed, industriously pass by to speak of the Lectures founded by *P. Clement V.* for the teaching of the *Hebrew, Chaldaick, Arabick, and Greek* Languages; among which Lectures *John de Brid* a converted Jew read the Hebrew for many Years, at *Oxford*, with great Applause; and this Year received a Stipend settled on him by *Walt. Reynolds* Archbishop of *Canterbury*, by a Tax of an Half-peny per Mark, from every Ecclesiastical Benefice throughout his Province. This Money was collected at the Beginning of every Lent, and lodg'd with the Prior of *St. Trinity's* in *London*, and by several Payments was afterwards given to the Lecturer. In the Year 1327. the Prior of *St. Catharines* extra *Lincoln* being appointed to collect the same in that Diocess, and being guilty of a Breach of Trust, the Matter was committed to others with a Power to enquire into this Fraud; and this is the last Mention thereof as occurs to us, tho' how long it continued afterwards, and who were

were the Lecturers is not well known.

This Year were the Disputes settled between *A. D. 1320.* the University and the Predicants; according to the Approbation of the Chancellor, and the Provincial of that Order; whereby there was so firm an Agreement made, that the same was scarce ever afterwards dissolved.

Altho' I have omitted the Remembrance of *A. D. 1321.* the Scholars Petitions made against the Townsmen the last Year, touching the Market, yet I will not forget the King's Writ; sent now in *Pat. 15. Edw. 2. p. 1. m. 1.* Favour of the University, whereby he enjoins the Mayor, Bailiffs, and all his Subjects here, to defend and protect the Chancellor and Scholars, and their Servants and Estates, from all Violence, with another Writ to the Mayor and *Claus. 15. Edw. 2. m. 23.* Bailiffs to expel and banish from hence all suspected Persons, both Noblemen and others, continuing in *Oxford*, in Disturbance of the Scholar's Peace: And either in this or the next Year, on a Writ from *Shrewsbury*, a Statute was made against Scholars wearing Arms, offensive or defensive, within the University.

And so careful was this Prince of the Reputation and general Good of this Place; that when the Chancellor had Thoughts of resigning his Office, and of going beyond Sea, by reason of some Difference between him and the Masters, the King not only forbid the same, but even his sending Letters to foreign Parts; lest that hereby the University should have an ill Report abroad. And moreover, on a Summons of the Chancellor and Masters to a Council at *York*, he examin'd into the Grounds of this Quarrel, and made each Party Friends: And again, on a Complaint of the Chancellor and *A. D. 1324.* Scholars of several Injuries inflicted on them very probably, from the Townsmen, he, in Defence

fence of the Students Rights, wrote to the Mayor and Bailiffs, to protect the same against all Insults whatsoever. Nor were the Bishops less in Friendship to us than the King, for on the Chancellor's Complaint of some beneficed *Welchmen*, who had this Year broke the Peace of the University, and refus'd to be corrected by his Censures, the Bishop of *St. Davids* (among others) wrote to the Chancellor, Masters and Scholars, in this Manner, viz. *Concedimus vobis, ut si qui Clerici in nostrâ Diocesi beneficiati die & nocte inuenti fuerint in pacis vestre perturbationem arma deferentes vel tranquillitatem ipsius Universitatis per modum alium perturbantes, & super hoc convicti fuerint, seu per eorum fugam presumptivè confessi, quod eorum beneficia in manibus nostris ad denuntiationem Cancellarii faciendam nobis sub ipsius Universitatis sigillo communi faciemus per triennium sequestrari, ut de fructibus beneficiorum percipiendis interim vel perceptis lesio aut lasis per convictos aut confessos, aut fugitivos hujusmodi denuntiatione super hoc nobis factâ legitimè satisfiat: Quod si beneficium Ecclesiasticum non habuerint, ad tempus juxta qualitatem & quantitatem delicti ad beneficium Ecclesiasticum minimè admittantur, nisi promovendi antequam hujusmodi beneficium assequantur, suam innocentiam in premissis ostendant, aut lasis ab ipsis satisfaciant & gratiam Universitatis meruerint obtinere, &c.* But I had almost forgot the Letters Patents of the 20th of *March*, granted by the King to us this Year, whereby the Custody of the Assize of Bread and Beer, in the City and Suburbs of *Oxford*, was taken away from *Rich. d'Amory*, (to whom it had been given) and committed to the Chancellor and Mayor, on the Payment of 100 Shillings to the King's Exchequer.

Claus. 18.
Edw. 2. M.
27.

11 Edw. 2.

A. D. 1325.

There now arose a Dispute between the University

versity and Archdeacon of Oxford, on a Claim
 of Ecclesiastical Cognizance; the Collectors of
 the Archdeacon's Revenues averring the same
 to have been in the Archdeacon's Predecessors
 Time immemorial, even in Causes where Scho-
 lars were Parties; which was as strenuously de-
 nied by the Chancellor and Masters: And af-
 ter many vain Attempts against the University,
 the Archdeacon, then a-broad, on a Transmis-
 sion of these Grievances to him, laid them be-
 fore the Pope for his Decision. Whereupon a
 Papal Bull was emitted to *Walter*, Archbishop
 of *Canterbury*, commanding him to cite the
 Chancellor, Proctors, and certain Masters, to
 appear at the Court of *Rome* within sixty Days
 from the Date thereof, who, on its immediate
 Receipt, order'd the Abbots of *Osney* and *Rew-
 ley* to execute the same, according to the Form
 thereof, by a Publication of it in the Univer-
 sity. The King, on the Chancellor's Applica-
 tion, wrote to the Pope, and in Commiseration
 to the low Estate of the University, pray-
 ed him to name Delegates, or Arbitrators, for
 the Decision of this Cause in *England*; and af-
 terwards, by Letters to the Archdeacon, he
 prevail'd on him to recall his Cause from the
 said Court; which the Arbitrators hereunto
 chosen determin'd anno 1330. at which Time
 the University, by certain Articles exhibited,
 did declare the Rights of the Chancellor, in all
 Causes of Fornication, Adultery, &c. with an
 Allowance of some Jurisdiction to the Archdea-
 con; the first Article being this, viz. *Sive U-
 niversitas, sive Archidiaconus antedictus, praeveniat
 in corrigendo super lapsu carnis Rectores, Vicarios,
 ac Capellanos parochiales infra Villam Oxon. &
 Suburbium beneficiatos & ministrantes ac familia-
 res eorundem, si studentes fuerint, qui dicto modo*
pra-

*Vid. Appendix,
 p. xxxiii.*

prevenerit, habeat in hujusmodi personis correctionem illa vice; which in English was a kind of Concurrence in Jurisdiction, and no more.

A.D. 1327.

On K. Edward III's Accession to his Father's Crown, who was depos'd by his Subjects, many Privileges were granted by him to the University, and all the ancient Charters confirm'd immediately by way of *Inspecimus*, and particularly the Charter of King Edw. I. given in the Year 1315. and ratifying all the Grants of Henry III. as already remembred. And he moreover confirm'd a Composition, or Agreement, made between the Scholars and Townsmen, by the Authority of K. Edw. I. as also this King's

Pat. 1. Edw. 3.

p. 1. m. 8.

Letters Patents, sent to the Bailiffs and others, to whom these Matters appertain'd, concerning the Protection of the Chancellor and Scholars, and also of their Goods and Servants, against all Injuries and Violences whatsoever. By these and other Grants hereafter taken Notice of, K. Edward shew'd such a grateful Sense of his Education here, under the Tuition of Walter Burley, that he deserves to be preferr'd before all his Predecessors, on the Account of his Patronage, and many Liberalities conferr'd

Pat. 2. Edw. 3.

p. 1. m. 19.

hereon. For whereas K. Edw. II. had before in a Charter of his, join'd the Chancellor and Mayor together absolutely in the Custody of the Assize (as aforesaid); Edw. III. now join'd them together conditionally herein; for upon the Mayor's Non-Compliance herewith, the Chancellor alone was to have the Custody of the said Assize; and whereas, by a Grant, the Aldermen did, twice a Year, hold a Court-Leet in their Wards, or Aldermanries, they now, by virtue of this Leet, excluded the Chancellor from the Custody aforesaid, tho' he paid a Moiety of the five Pounds therefore; and hereupon

upon was this new Charter given, whereby it was order'd, that tho' the Chancellor and Mayor were also equally to have the Custody of the Assize of Weights and Measures, yet, if the Mayor was defective in his Duty, the said Power should devolve to the Chancellor. The Citizens hereupon, believing their Jurisdiction to be much impair'd by these new Grants, applied to the King by way of Complaint, who, by *Class. 2. Edw. 3. m. 25.* two Writs, commanded the Chancellor and Mayor to attend him and his Council, at *Tork*, with the Charters and Muniments of both Corporations, for the better ending of this Controversy, which he afterwards order'd to be heard and discussed at *Woodstock*; and by his Writ to *Le Scroop*, Chief-Justice of *England*, then sitting at *Tork*, he forbid him the Cognisance of Causes between Scholars; and soon after this Matter was argued and adjudged at *Woodstock*, in favour of the University, tho' some say that this Affair was afterwards debated at *Wallingford* and *London*. Soon after, the King sent a *Pat. 12. Edw. 3. p. 3. m. 10.* nother Writ, to explain unto the Chancellor and Mayor, the Manner and Form of keeping this Assize of Bread and Beer; and the Method of punishing Bakers and Brewers for non-observing this Assize; and that if the Chancellor was wanting in his Duty about these Affairs to be made of Bread and Beer, the Mayor should supply such Defect; and if the Mayor was wanting on his Part, then the Chancellor might exercise the Power; yet each of the Persons was to give the other a due Premonition of their Purpose in this Matter, &c. And on the Account of this Writ and another which follows, touching the killing of great Beasts, there was celebrated in the Mayor's House, what we call *Dies Amaris*, whereunto all the Scholars and Townsmen

Townsmen were invited: And on the 29th of July following, the King sent another Writ to the Chancellor, to continue in Force for three Years, touching the Arrest of Persons excommunicated, after the same manner as has been used and practis'd on the Signification and Denunciation of Bishops; which Writ was sent at the Petition of Robert Bishop of Chichester, then Chancellor of the University of Oxford. The King moreover, being desirous to take Care of the Scholars Health, (as already observed) order'd a publick Proclamation to be made against the Butchers killing of Cattle within the Walls of Oxford, on Complaint that many Oxen, Cows, Sheep, Calves, &c. were daily slaughter'd within the same: And also against the laying of Dirt, Filth, and other Nuisances, in the Streets and Lanes hereof, whereby the Air became so infected, that many of the Nobility declin'd coming hither; and the Scholars, Townsmen and others, living here, being thereby affected, died thereof; and he commanded the Chancellor, Mayor, and Warden of Merton College, to see these his Writs put in Execution: But the Mayor and Burgeses, by way of Complaint, signified to him, that there had been a Place assigned Time out of Mind for the Butchers to kill their Cattle in, and to sell their Meat, rented of the King himself, at the rate of 100 Shillings per ann. in Farm of the said Town, and that the said Butchers had exercis'd their Trade therein, Time immemorial, without Interruption, and that no other Place could be assign'd them for this Purpose, without Diminution of the aforesaid Farm.

*Class. 12.
Edw. 3. p. 3.
N. 3.*

*Lib. de Plac.
Coron. in
Thes. Scacc.
fol. 106.*

Soon after, on a Report made to the King, of the Disobedience shewn to his former Com-
mands,

mands, he issued out another Writ to the Chancellor, and said Warden, commanding them forthwith jointly to see that the said Nuisances were immediately remov'd; and on the same Day, by a Writ to the Sheriff, order'd him to make Proclamation for this End, notwithstanding any Pretence of the Townsmen giving Opposition thereunto by their Answer, (as aforesaid) touching the usual Place for killing of Cattle: But this not having its due Effect, the King, by another Writ, of the 18th of February this Year, commanded the Chancellor, Mayor, &c. to punish whomsoever they found contravening his Royal Orders, according to the Quantity and Quality of their Offence, by a Fine or otherwise: Yet the Butchers would not submit hereunto, till they were forc'd to remove into *Limberdstreet*, afterwards call'd *Slaying-lane*, on the Increase of Diseases here, and on the dispersing of the Scholars into the Country. What occurs further remarkable this Year, is the King's Quinquennial Commission for Paving and taking Care of the Streets, whereby he impowers the Chancellor and Mayor to distrain Clerks as well as Laymen, and to compel them hereunto.

Besides other Privileges granted to the University and City of *Oxford*, in the Year 1331. the King order'd that Wine should not be sold Pat. 5. Edw. 1. M. 8. 6. in B. 19. a. c. 81. a. dearer in the City and Suburbs hereof than in *London*, saving a Half-peny a Quart, having, Dec. 20. on the Request of his Privy-Council, granted the same thing; adding hereunto, that the Chancellor should have Cognizance of Pleas in all personal Contracts, and touching things moveable, where one of the Parties was a Scholar, notwithstanding any Royal Prohibition to the contrary, unless the said Prohibition shall expressly

expresly mention this Grant ; and that the Chancellor and Mayor might for the three Years next ensuing, compel both Clerks and Laymen to repair the Paving and Pitching of the Streets before their Houses, and on the Mayor's Non-Compliance herewith, the Chancellor should have Power of himself to see this Order fulfill'd : But in all Writs jointly transmitted to the Chancellor and Mayor, after the great Conflict, this Clause or Provision was wont to be inserted, *viz.* That the Mayor of the City did not intermeddle in any Matter solely relating to the Cognizance of the Chancellor, which in Rescripts before was omitted.

In recounting the Sufferings of this Place from our domestick Broils ; the Scholar's Recess this Year to *Stamford* in *Lincolnshire*, on a Pretence of certain Animosities arising among themselves, may be reckon'd none of the least Misfortunes, whereby *Merlin's* ancient Prediction was fulfilled, according to the ensuing Verses, *viz.*

*Doctrina studium ubi nunc viget ad vada Boum,
Tempore venturo celebrabitur ad vada Saxi.*

Camden and *Twyne*, without assigning any Time, do ascribe this Recess to the Fate of the Northern Scholars, who, subdued by those of the Southern Parts, went to *Stamford* and studied there. *Rich. White* of *Basingstoke*, with whom *Londinensis* agrees, says, That the University of *Cambridge* being infected with Pelagianism, went to *Caerleon* in *Wales*, and there erected an University for about 200 Philosophers, who afterwards came to *Stamford*, and spread the Heresy there, which, through its Novelty, was so prevailing, that it brought thither many
Oxford

Oxford Students ; and tho' the University Records support neither of these Opinions, yet doubtless there were now some Feuds among the Scholars, as appears from the Complaint of the Church of *Durham* against *Merton* College, refusing to chuse Northern Scholars hereinto on a Parity of Right with the Southern Men. These Differences (according to others) arose from some Statutes now made about Servants, Workmen, &c. and grew to such a Height, that the King, on Notice hereof, sent Commissioners to *Oxford*, to end the same ; and at the same Time, by a Writ to the Chancellor, Proctors, Masters, and Scholars, commanded a Submission to their Sentence, whatsoever it was, which Decision, for the present, quieted these Disturbances. But soon after there happen'd a Rupture again, by the Means of some unlawful Meetings, wherein were committed all the Acts of Violence imaginable, as Plunder, Murder, and Mayhem, &c. But whoever these Rioters were, whether Scholars or Townsmen, the King, on Knowledge hereof, empower'd Persons to go to *Oxford*, and, by a Jury, to enquire into the Matter, and to punish the Aggressors, and their Abettors, according to the Laws of *England* ; yet what became of this Affair afterwards I know not. But the King, by two Writs to the Chancellor, forbad the Scholars and their Servants, to carry or keep Arms in their Houses ; and in another Writ, sent three Days after, he rebuk'd the Chancellor and Proctors, for their Neglect in punishing these Offenders. And the same Day three Writs were sent to the Mayor and Bailiffs ; the first forbidding them to wear Arms ; the second commanding them to cause Proclamation to be made against clandestine Meetings in breach of the Peace ; and

Pat. 8. Edw.

3. p. 2. m. 23.

Pat. ut sup.

m. 20.

the *third* ordering them, at the Chancellor's and Proctor's Request; to arrest all Malefactors whomsoever: For this End also were Writs issued to the Sheriff of *Oxford* and *Berkshire*, this Office being now executed in one Person for both Counties; and hereupon the Troubles at *Oxford* were for a while appeased.

The Scholars continued at *Stamford* for several Months, disputing and reading Lectures to the neighbouring Youth; but, at length, the University, least this antient Stream of Learning should be dried up, besought the King to abolish and annul this new School or Seminary, by compelling the Students to return to their ancient Mother, the University of *Oxford*:

Claus. 8. Edw.
3. M. 17.

Hereupon, by a Writ he order'd the Mayor and Bayliffs of *Oxford*, by their Crier, to make Proclamation, That it was his Royal Will and Pleasure, That all Masters and Scholars, doing Scholastick Exercises at *Stamford*, should return to *Oxford*, under Pain of Confiscation of Goods; for that he would not suffer Universities to be held in any other Parts than in those where they now are settled; and at the same time issued a Writ to the Sheriff of *Lincoln*, with an Order to him to publish this his Pleasure throughout his Bailiwick. But the Scholars not returning hereon, the Sheriff, by the King's Command, went to *Stamford*, and there, by Proclamation, confiscated the Goods of the Scholars not returning by a Time prefix'd; yet notwithstanding this, some few remain'd at *Stamford* for a Year almost after, in the Study of the liberal Arts, and therein informing their Auditors; which the *Oxford* Scholars very much resented; and if a timely Remedy had not been given, their Number at *Stamford* would have increas'd; so that renewing their Complaints, the King wrote to

William

William Trussell, and the Sheriff of *Lincoln*, to *Pat. 9. Edw.*
 extirpate the said Scholars, and to continue *3. P. 1. M.*
 there, till they had quitted the Town. Yet *28.*
 this did not avail, for no sooner were they
 gone, but the Students return'd thither again,
 at the Instance of the Townsmen, and kept up
 their old Discipline for many Months: But the
 King, to effect his Purpose, empower'd Persons
 to collect these Scholars Names, and to trans-
 mit them to him, and also to seize their Goods
 and confiscate the same: And to this end was
 an Inquisition made at *Stamford*, in the Presence
 of the said Persons, by a Jury; and on a Return
 of their Names, who obstinately remain'd at
Stamford, in the Exercises of the Schools, a-
 bout 40 of them were punish'd with Loss of
 Goods and Imprisonment. And to prevent the
 like future Recess, a Statute was made, obli-
 ging every Candidate for a Degree, (among o-
 ther things) to swear *never to read, or hear a*
Reader there as an University, having had the
 Reputation of a *general Study*, long e're *Edward*
the 3d's Interdiction, as appears from our Re-
 gisters, and from a Book of || *Whetsey's*, who, || *Lib. de dis-*
 from a Student at *Oxford*, went and read as a *cipl. Schol.*
 Regent there for 25 Years before this *Ara*;
 wherein he proves this an *Academical* and not a
 School of *Grammar* Learning, as well from his
 Philosophical Discourses, as from Degrees, In-
 ceptorships, and actual Regencies therein men-
 tioned. As to the Rise hereof, rejecting those
 Men's Authority who ascribe its Institution to
 King *Bladulus*, I assign its Foundation to *Rob.*
Lutterel, a Student at *Oxford*, and then Rector
 of *Grenham*, in the Diocess of *Lincoln*, who
 gave to the Priory of *Sempryngham*, his Mannor
 of *St. Peter's* Parish at *Stamford*, to enlarge the
 Couvent for the Education of Divines and Phi-
 losophers,

losophers, and for the Celebration of Divine Service in *St. Mary's Chapel*, within this Manor, by a *Secular* or *Regular* Chaplain; and from this Gift, which the Bishop of *Lincoln* for ever confirm'd, this School had its Beginning; whereunto the *Northern Men* at *Oxford* especially resorted, not only on account of its Eminency, but for the sake of its Nearness to their own Country. The chief and antientest of the Scholars Halls and Inns, belonging to the said Convent were situated in this manner *viz.* *Black-hall* lay opposite to *All-hallon Church*, the Kitchen whereof was lately standing, as a Monument of great *Antiquity*; and Victualling House call'd the *Old Swan*, in *St. Mary's Street*, formerly a Scholar's Inn, as supposed; and also an old Building call'd *Brazen Nose Hall*, from the Brazen Head fix'd on the Gate, next the Tower of *St. Paul's Church* with a Ring thro' its Nose: There was, moreover, another House adjoining to that of the Parsonage-House in *St. George's Parish*, supposed to have been once a College. And thus far of the Scholars Halls, &c. at *Stamford*, tho' might remember many others.

A. D. 1336.

On the Scholars Return from thence to *Oxford*, the Streets here were new pay'd by the King's Order, and, on the Chancellor's Request

Pat. 9. Edw.

3. p. 1. M. 10.

Vide Append.

2. lix.

Writs were immediately issued for the arresting of excommunicated Offenders after the Manner of Practice in the Bishop's Courts. Which Privilege the Chancellor's Predecessor had enjoy'd by Prescription, as is seen in Archbishop *Peckam's* Rescript, and *P. Boniface's* Bull. The King again confirming the aforesaid Composition, in one Article increas'd the Privilege of the University by granting to it the Cognizance of all Pleas arising in the Suburbs al

18 Edw. 1.

Hare de Priu.

f. 56.

so, between Scholars and Strangers, which, by this Composition, had only the Cognizance before of Matters happening within the City Walls: Further ordaining, that the Chancellor *Ibid.* 59, 60, should not be liable to any Action of false Imprisonment, after he had quitted his Office, as lately happen'd to the Chancellor of *Cambridge*, on an undue Commitment of a Scholar there; and the King not only order'd these things, but granted us other Privileges to be observ'd in his Charter to this University, given about this Time; when the antient Quarrels, as well among the Scholars themselves, as among them and the Townsmen were renew'd; whereof the King having Information, commanded the Chancellor to enquire into the Causes thereof, and punish the Authors with Severity; who thereupon banish'd many of the Offenders from hence; which Offenders, notwithstanding, infested the adjacent Woods and High-Ways, by robbing of Passengers, which so far frightned the King, that in a Writ to the Chancellor for suppressing the same, he said, this might not only endanger the Quiet of the University, but even the Peace of the Realm, according to an ancient Prediction, *viz.* That Troubles in the former were the sure Fore-runner of Civil Wars in the latter. *Talbot.*

But the next Year ensued Disputes of another kind, among the *Logicians*, dividing themselves into Sects, call'd in *Latin Nominales* and *Reales*: And as *Ockam* was the Founder of the first, so was *Duns Scotus* the Patron of the other; yet some say, that *Peter Abelard* was the Chief and Author of the *Nominalists*. This Diversity of Opinions arising between two Fellows of *Merton College*, soon spread it self throughout the University, and kindled new Divisions between the *Northern Men*, adhering to the *Realists*.

ists, and the Southern to the Nominalists. But Ockam not only shew'd himself a Champion in these Disputes; for joining with Lewis of Bavaria, he engag'd the Pope himself, in asserting the Jurisdiction of the Civil Power over that of the Church; and so well maintain'd his Arguments against all his Antagonists, that his Holiness (tho' an Enemy) stil'd him the *Invincible Doctor*, as he also did Duns Scotus the *Subtle Doctor*. The University being thus divided, frequent Skirmishes happen'd thereupon, especially in the Choice of a Chancellor, some electing a Northern, others a Southern Man; so that several Statutes and Ordinances were hereupon made, and it was by them decreed, that for the Fairness of this Election, one of the Scrutators should be a Southern, and the other a Northern Master: As there was also another Decree or Constitution made by the Archbishop of Canterbury, in a Council held at London this Year, against the Luxury of Scholars Apparel, who, in Imitation of all the English Clergy then, were got into a great Excess thereof. And so full of Troubles was the University now, that the Chancellor was not only oblig'd to have the King's Protection against the Suits of those who were lately expell'd and banish'd hence: but was forc'd to pray a Supply of Power from the King, his ordinary Jurisdiction being not sufficient to suppress a Tumult, and punish an Insult committed towards the End of this Year, by the Scholars and their Servants, on the Persons of the King's Judges: whereupon the Chancellor of the University, and Rob. Bishop of Chichester, and Lord High Chancellor of England, were, by Royal Commission, fully impower'd diligently to enquire into, and to punish these audacious Criminals, which was accordingly done.

A. D. 1344.

Reg. C. 59. a.

Reg. D. 88. b.

Reg. C. 57. b.
D. 76. b.Pat. 18. Edw.
3. p. 2. M. 31.Vide Append.
p. liii.Pat. 19. Ed.
3. p. 1. M. 22.

done. Moreover there also now happen'd a sharp Contest among the Masters, about a Statute lately made, touching Suing for Provisors under the publick Seal of the University, on the Inauguration of every Pope, which Grace was to extend to Non-Regents as well as actual Regents, which the latter would in no wise suffer, and therefore appeal'd to the Archbishop, and other great Men, putting the University into a State of Confusion for some time; yet I know not the Event hereof.

Nor was this Year less infamous on the Account of the Contumacy of the younger Students, who, by a bold Insurrection against the Masters, (acording to an anonymous Author) subdued them in open Fight, in which Combat there were many wounded, and some killed on each Side: This Mutiny was occasion'd thro' the Junior's Refusal to obey the ancient Laws of the University, touching the Conservation of the Peace, and punishing the Disturbers of it. Not many Years before this Combat, the Fryars of the Order of *St. Cross* settled here, *Crusched-* dwelling in a House antiently call'd *Broadgate's Fryars*. Tenement, or not far from thence, and given them by *Richard Cary*, a Townsman in *Grand-pont-street*, in *St. Michael's* Parish, towards South-Gate; but now they began a Hall and Chappel, near *St. Peter's* Church in the East; to the Building whereof *John*, the Son of *Walter de Mylton*, a Perfumer in *Oxford*, gave 40 Bushels of Wheat: But these Fryars had no sooner erected these Buildings, which they did without Leave from the Diocesan, and from the Warden and Fellows of *Merton* College, having the Advowson of this Church, but several Law-suits were commenc'd thereon; they afterwards accepting of the Conditions offer'd them
by

by this College, built and finish'd their Chapel, with a House large enough to receive as many of their Order as came hither on the score of Learning; and tho' it does not appear how long this Society remain'd here, yet 'tis plain, they had Legacies given them by the *Oxford* Townsmen a long while after. The famous Composition between the University and City about the Cognizance of Weights and Measures, and other Matters relating thereunto, was made this Year.

Reg. A. fol.
27, 34c. D.
65, 66c.

A.D. 1349.

But scarce were the Tumults of the junior Scholars appeas'd, but new Dissensions arose among the Masters concerning the Election of a Chantellor, whereby the whole University was divided into Parties and private Cabals: but at length *Edward* the 3d obtaining a Bull from *Pope John* the 22d, against several factious Persons, who were wont to assemble in *St. Mary's* Church, and disturb the Congregation in the Celebration of Divine Office; &c. by an Excommunication put an end to these Tumults for a time; yet towards the End of *March* this Year, being the usual Time for the electing of a new Chancellor, *John Wylliot* late of *Merton* College, Fellow, together with several riotous Persons, with Force and Arms broke into the said Church, killing some and wounding others, and was declar'd Chancellor, and being vested in his Office, expell'd the Northern Proctor, who oppos'd his Creation. In this Conflict, besides many other Villanies committed, the University Chest was plunder'd of Books, Money, and other Goods, and robbed of its publick Seal: Whereupon the King by Writ commanded the Authors of this violent Election, many of whom were of *Merton* College, to return the said Seal, Money, Books, &c. to the Proctors,

Claus. 23.
Edw. 3. p. 1.
m. 16.

Proctors, under Pain of losing all their Goods forfeitable to the King; with a Writ of the same Date to *Wyllint*, to recall the Proctor, whom he had banish'd the University, and to release the Prisoners committed by him; and lastly, to forbid all Conventicles and unlawful Assemblies held by him and his Followers in breach of the Statutes and Peace of the University, under Pain of incurring a Mult of all their Goods and Possessions. Moreover there were Commissioners appointed and sent to *Oxford*, for the Hearing and Determination of all Suits and Quarrels hereupon, who found *Wyllint's* Men guilty of so great Crimes, that they had strip him of his Office, had not they dreaded the Consequence of a new Sedition; for some of the Masters and Scholars had so far engag'd themselves to him, that, on the Removal of their Chancellor, they immediately resolv'd to leave the University, and one Moiety thereof, to transfer themselves to some other Place. These Troubles were succeeded by an Epidemical Sickness, which swept away a greater Number of Scholars than ever was heard of before at *Oxford*, and pursued many of those, who fled into the Country for their Health; few of those escaping Death, who remain'd at *Oxford*. The Schools were shut up, and none inhabited our Colleges and Halls but sick and dead Men, and scarce were there left enough to bury the Dead, there being in one Day sixteen Bodies bury'd in one and the same Churchyard. But from this Pestilence it came to pass, that *Thos. Hatfield* built *Durham* College; and as this Sickness prevail'd on him, so did the next induce *Sims. Islip*, Archbishop of *Canterbury*, to found that which was called *Canterbury College*. Here; And to so small a number were the Scho-

Scholars reduc'd by this Malady, that there did not survive enough to serve the Cure of Souls in *England*, and to instruct the Kingdom in human Learning. This Plague first breaking out in the Eastern Parts of the World among the *Jews* and *Turks*, by diffusing it self, seiz'd on the *Saracens*, *Syrians*, and the Inhabitants of *Palestine*, with whom it made so great a havock, that many of them embrac'd Christianity, observing that few of the Christians were herewith infected, and very few of them died : from the East it advanc'd to the Western Nations, as *France*, *Italy*, *Spain*, &c. and in the 7th of *Edward* the 3d, came over into *England*, arriving at the Maritime Towns in *Dorsetshire*, and from thence it passed through *Devonshire*, *Somersetshire*, *Glocestershire*, *Oxfordshire*, and so to *London*, and from thence soon after spreading it self throughout the Kingdom, it cut off the Tenth Part of the Inhabitants. Our *Oxford* Astronomers are said to have foretold this Distemper some Years before by certain Conjectures taken from a total Eclipse of the Moon, and from the Conjunction of the three superior Planets, *Anno* 1345. And thus far of this sad Disease is sufficient ; therefore I shall leave this Subject, and proceed to speak of the Choice of *William de Palmorna* to be Chancellor of the University, who being chosen by the Convocation, was presented to *John Buckingham* Bishop of *Lincoln*, for his Confirmation of this Election, who by frequent Procrastinations deferr'd the same so long, that Archbishop *Islip*, at the Doctors and Masters Request, wrote to him, either to confirm the Election within six Days, or to shew Cause why he did not : but the Bishop relying on his Privilege purchas'd of Pope *Clement*, refused Obedience hereunto : Where-

A. D. 1350.

upon the Archbishop believing the Matter de-
volv'd to himself, sent *John de Carleton*, Doctor
of Law, to confirm the Election aforesaid, at
the time appointed for the Bishop's expected
Confirmation thereof.; and then severely cen-
suring the Bishop's Contumacy, he rescinded
all the Bishop's Privileges, whereby he claim'd
Exemption from Archiepiscopal Jurisdiction,
as *M. of Canterbury* and *Godwin* relate the
Matter.

The University was now as little famous for Learning, as it was for its Number of Students, which was so far diminish'd in this respect, that the fourth Part of the Scholars did not survive the late Sickness; whereupon it happen'd that many of the Townsmen liv'd in their Halls, and that these, and the religious Houses in and about the City, did not yield above half their Rents. Upon the Return of the Scholars hither after the Plague, the King confirmed many of the Privileges and Immunities of the University; and in particular, that the Chancellor should have the Conservation of all the Rights of the same, and a Power to execute the Laws thereof, any wise tending to the Benefit of the University, and be also authorized to hear and determine the Causes of Delinquents, and on occasion to banish such Persons; which the Mayor and Bailiffs lately opposed, to whom the King sent a Writ, commanding them not to hinder the Chancellor in the Exercise of his antient Jurisdiction, in respect of Scholars and Townsmen. *Edward the 3d*, in the 8th Year of his Reign, transmitted a Charter almost in the same Form with that in the first of his Reign to the Sheriff of *Oxford* and *Berks*, hereby ordaining the Mayor and Bailiffs to cause Proclamation to be made against all unlawful Conventicles

and Assemblies of Scholars and others in Oxford and from hence having an Opportunity of lord- ing it over the Citizens; as they thought John Beresford, a Burges at this time of famous memory, purchas'd another Charter subscrib'd by the King and Council; whereas the first was only subscrib'd by the King himself, praying this additional Clause; *viz. Nolumus quid aliqui vestrum (inimico civium) occasione arrestationis, captionis seu detentionis malefactorum predictorum pro dicta patris nostre conservatione rationabiliter factorum coram Cancellario Universitatis Oxon. vel ejus Commissario trabatur in placitum futurum, nec occasione in aliquo vel gravetur, &c.* whereby the Burgeses had a share in the Watch and Ward; and also the Care of Hue and Cry, &c. (anciently given to the University) now granted to them; and wou'd hereby imprison Delinquents; and were not bound to release them on the Chancellor's Demand; and by these Grants being willing to have the entire Government of the City in themselves, and the Scholars not consenting thereunto, all things seem'd to tend to a Rupture, and by their mutual Animosities they brought on the ensuing bloody Conflict between them; which I shall give at large.

A. D. 1354.

On the Feast of St. Scholastica the Virgin, several Scholars going to a Tavern then called *Swyndestack*, and in some modern Deeds *Swyndestack* (but lately known by the Name of the *Mermaid*) at *Cairfax*, and being serv'd with bad Wine; order'd the Vintner to change the same for better; and for his sawcy Language they broke his Head with the Flagon; who thereon went and laid the Matter of his Grief before his Servants and some of his Neighbours, among whom were *Rich. Foraster*, *Rob. Lardiner*, and *John Beresford*, the Landlord of the House by a City

City Lease, who having assiduously waited an Occasion of quarrelling with the Students, and now believing they had a fair one in their Hands, immediately assembled the Townsmen at *St. Martins Church* by ringing out the City Bell, and in a hostile manner attacked the defenceless Scholars in the Streets, and even the Chancellor himself, in his Endeavours to quiet this Tumult; but the Scholars, seeing themselves in danger, met arm'd at *St. Mary's Church* on the ringing out of a Bell at the Chancellor's Command, and defended themselves till Night parted them, without any Mischief done on either side. The next Morning being Wednesday, the Chancellor order'd Proclamation to be made in the King's Name, both at *St. Mary's* and *Cairfax*, against the Scholars and Townsmen wearing Arms, and attempting any thing in breach of the publick Peace; the Scholars in obedience hereunto laid down their Arms, but the Townsmen by the Incouragement of the Bailiffs, and being still warm with Yesterday's Madness, put themselves into a readiness to engage the Scholars on the Sound of the aforesaid Signal; and going to the *Austin Schools*, assaulted a Doctor in Divinity in his Determinations, together with his Auditory, and then by the means of an Ambuscade of 80 Persons plac'd in *St. Giles's Church*, they surrounded the Students in the Fields called the *Beaumonts*, and soon put them to flight, being without Arms, some getting into the *Austin Convent*, and others into the City, with the Loss of one slain, and others miserably wounded.

Hereupon all things were again in confusion, and on the aforesaid Signal given, both Sides ran again to Arms, and the Students being equal

qual to the Townsmen in Courage, tho' not in Number, sustain'd the adverse Shock with great Bravery till the Time of their *Vespers*, when about 2000 of the Country People, invited hereunto by Money and other Sollicitations, broke open the West Gate of the City (for the Scholars had shut up most of the Gates against them) and thereby entring, came in aid of the Enemy, and wholly possess'd themselves of the City; which put the Scholars into such a Panic, that they instantly fled to their Halls, whither the Townsmen hastened, and this Day destroy'd five of those Houses with Fire and Sword, killing and wounding all the Scholars they found in the Streets, and destroying their Provisions, &c. But at last, Night put a stop to their Rage; and the next Morning a Proclamation was renew'd in the King's Name against offering any Violence to the Scholars Persons or Goods, when the Chancellor and other principal Men were summon'd to attend the King then at *Woodstock*. But at the Sun-rising the Townsmen met again armed, and set on the Scholars, who without Resistance betook themselves to their Hostels, which they breaking open, killed and wounded all the Scholars they found therein, throwing their Bodies into Privies, and some they buried, and others had no Burial at all: and among them, in Hatred of the Sacerdotal Order, they treated the Clergy in the most inhuman manner, destroying all the Religious Crosses in the Town, and this Day burning and robbing 14 more of their Hostels.

Reg. Merton,
2. 31, 32.

The Bishop of *Lincoln*, after this Riot was ended, upon Knowledge thereof given to him by the Heads of the University, inhibited the Clergy from administering to any Townsmen, and order'd this Interdict to be solemnly publish'd

lish'd every Sunday and Holiday: And the King being made acquainted herewith, commanded all Sheriffs, Mayors and Bailiffs in the Realm to give Protection to all Scholars lately driven from *Oxford* by the Disorder there; and seizing on the Liberties of the City by his Judges sent thither, he granted the greater part of them to the University, which it enjoys to this very Day. However, for a time the University was in a manner dissolved, and all the Scholars, besides those of *Merton College*, going to their Relations and Friends in the Country, continu'd there for a Year or two. Upon the King's Judges coming hither, the Scholars and Townsmen were indicted, and the aforesaid *Lardner*, *Forester*, and *Bereford* imprison'd, as was also the Sheriff of the County; for not assisting the Chancellor according to his Duty; and on the Chancellor's Removal from his Office, *John Laundels* succeeded. The former Mayor and Bailiffs being by the King's Order committed to the Tower, *John de St. Frideswide* was chosen Mayor, and *William Somerford* and *Hugh de Testele*, alias *Eysley*, elected Bailiffs for the remaining Part of the Year. On their Names being return'd to the King, Attorneys were dispatched to Court to sue his Majesty's Pardon for the said Riot, whither the University at the same time sent their Advocates to solicit a Determination hereof: whereupon on a Summons, each Side sent Advocates to *London*, whereby the University wholly resign'd up her self and her Privileges into the King's Hands; and then the Townsmen also produc'd their Resignation, yielding up all their Liberties and Privileges, their Persons and Goods, moveable and immoveable, and all their Gilds and Societies whatsoever, general and special; and entirely sub-

John Arch-
bishop of
York.
William de
Edington.

mitted all their Rights and Privileges to the King's Disposal; and this they did (as acknowledged in the Form of their Surrender) "because
" if they were proceeded against solemnly, and
" by any other Course of Law, the Examination of their Cause wou'd tend to their greater Confusion and Punishment, &c. These Surrenders were made on the Wednesday next after the Feast of St. Dunstan the Bishop, in the Presence of the Lord Chancellor and Treasurer of England, and all the Judges, in the Council-Chamber by the Exchequer at Westminster, both Parties beseeching the King to accept of the same, who order'd them to be put into the Master of the Rolls Hands, till he shou'd on due Advice accept or reject them; which he three Days after accepted, and pardon'd all the Scholars Offences in this or any other former Tumult committed (as his Letters still extant bear witness) by a Proclamation encouraging the Scholars Return to Oxford. And as to the Townsmen, who were now under Excommunication, at the Intercession of many of the Nobility and chief of the University, the King with his Council, on hearing the Allegations of both sides decreed, *viz.* That all the Townsmen imprison'd (except the aforesaid *Beresford* and *Lardiner*) shou'd pay the Sum of 250 l. besides the Restitution of their Goods to the Masters and Scholars, as an Amends for Injuries done them (*Death and Mayhem* excepted) and this Summ to be paid by St. James-Tide then next ensuing, or else to find good Bail for the Payment thereof, at certain Terms to be agreed on between the Parties: And hereupon *Beresford* and *Lardiner* were to be released from Prison, on the Bail of the Mayor and Bailiffs for their Appearance at the next Assizes; or else the
Bodies

Bodies afore said to be remanded to Goal within three Days after the Feast of *St. Peter ad Vincula*, and there to remain in Manner afore said. And then the next Day the King, at the Instance of the Nobility and Masters, granted a Protection to the Citizens for a whole Year, on Condition they furnish'd the Scholars with Provisions and other Necessaries, almost half the Students being now return'd to *Oxford*: Of which, as soon as the King had Notice, he entreated them to resume their Lectures, and all other profitable Scholastick Exercises; and thus about 4 Days after *Trinity* the Regents resum'd their yearly ordinary Lectures, which they continued to read at *Pleasure*, (and no otherwise) till fifteen Days before *Mich.* and then, by Letters requested them even to read in the Autumn Vacation; for the Time between the 4th after *Trinity*, and the 14th Day before *Michaelmas*, was not reckon'd full Term; the University having now three Terms proper for the Reading, and other formal Exercises; for in the 4th Exercises were only perform'd at Pleasure, and not impos'd by Virtue of any Necessity in respect of Degrees, and so improperly a Term.

And as it is said to have formerly happen'd at *Athens*, on a Quarrel of the like Nature, between the Scholars and Citizens; where the Sophists, on refusal to do any publick Exercises, taught the Youth in their private Houses; even so here were the Scholars altogether instructed in private for some time, until the King publicly open'd the Mouths of the Lecturers; and for an Encouragement now granted to them the most ample Charter yet obtain'd, containing many antient and modern Privileges, some of which were taken away from the City and conferr'd on the University; on the Grant where-

of the Mayor and Bailiffs immediately, on the King's Writ directed to them, deliver'd up the Standard of Weights and Measures, with the Seal belonging thereunto, into the Chancellor's Hands; and in a few Days after were the Contents of the same publish'd, and especially those touching the Market. *Vide Append. p. xxviii.*

The City having made Restitution and Amends, in some measure, for the Damage done in the late Conflict, by a Payment of the Summ assign'd, the King, by his Writ, now restor'd it to all its Liberties, saving those granted by this Charter to the University, whereof the Citizens stood now depriv'd; to which may be also added the Right of *Watch and Ward*, or bearing Arms (as the Charter Phrases it) for ever, by his Grant confirming the same to the University, to the great Advantage of the Scholars; since under a Pretence thereof, the Townsmen were always embarrassing the Scholars Quiet by their Insults and Oppressions.

The City of *Oxford* by their Deputy to the Bishop of *Lincoln*, in the Year 1355. praying in some measure a Mitigation of the Interdict under which it lay, but no Revocation thereof, now sent other Deputies to desire a total Abrogation of it; which at last they obtain'd conditionally, *viz.* That the City on *St. Scholastica's* Day, should celebrate so many Masses at the City Expence, for the Souls of Scholars and others kill'd in this Tumult: Others say, that the Mayor and Bailiffs, with 60 of the chief Burgeses, were obliged on that Day at *St. Mary's* to swear Observance of the customary Rights of the University, unless they have a Cause of Absence to be approv'd of by the Vice-Chancellor; and also at their own Costs, there to say Mass by a Deacon or Subdeacon, for the Souls of the slain; and it was further ordered, that

that the said Number of Citizens should after Mass ended, singly offer up a Penny at the high Altar, of which forty Pence was to be distributed to poor Scholars, and the Residue to the Curate of St. Mary's. And for the better Execution hereof, at the Proctor's Instance, it was agreed between the Bodies, that a Deed should be fram'd for this end, containing these Conditions; excluding the Authors of this Sedition: And whereas the Mayor and Burgeesses had bound themselves to the Payment of 100 Marks in the said Church, on account of the *fore*said Damage; by this last Agreement it was provided, that no Demand should be made hereof, whilst they perform'd these Conditions, all which the King confirm'd by a Charter of *Dispenses* of the first of June, the University then releasing the City from all Causes of Action ~~dimin~~en'd by reason of this Conflict, except ~~as~~ before excepted, and requir'd to appear at the Affizes; which Decision was observed till Q. Elizabeth's Reign, when the Scholars impleaded them in the Summ of 1500 Marks, for omitting the same for 15 Years; by reason of a Prohibition to celebrate Mass according to the Tenor of the said Agreement: wherefore it was order'd by the Privy Council, that instead of the Mass on this Day, there should be a Sermon and Communion at this Church, with the *fore*said Offering, and at length this came only to publick Prayers, with the Oblation of sixty Pence, as now in Use. *Londinensis* says, that the Mayor was obliged to wear a Halter or Rope about his Neck, on this Procession, which through the Dignity of his Office was afterwards chang'd into a Silken Ribband; with whom I cannot agree; tho'tis certain the young Scholars were wont to rally him with much Contempt on this Occasion, till this

V. Aff. p. lv.

VII. part 3.

Insolence was restrain'd by a Statute, under the Pain of Imprisonment.

The Diffensions between the University and *Austin* Fryars, were now brought to an Issue, which had their Rise from a Monk of that Society, appealing from the Chancellor and Proctor's Sentence pronounc'd against his Order, to the Court of the Archbishop of *Canterbury*; which Diffension being of no Moment, shall have no farther Room here; and therefore I

* *A.D.* 1358. now descend * to the Citizens Remonstrance against the late Charter given to the Scholars, who, forgetful of their Danger, and the Mercy of the University ensuing thereupon, now began to oppose our Privilege of the Market, *viz.* the Custody of the aforesaid Assize, &c. by denying the Chancellor the free Exercise and Enjoyment thereof: wherefore the King, on the Scholars Complaint, firmly enjoin'd

† *Pat.* 32. *Ed.* † the Townsmen not to let or hinder them in
3. *P.* 2. *M.* 3. the Usage hereof, but, according to the Tenor of the late Charter, to aid and assist the Chancellor and his Ministers, in the Execution of these Academical Privileges; and the next Year he repeated this Order with the Transmision of another ||, commanding the Sheriff, according to ancient Custom, to swear the Mayor, Aldermen and Burgeses, to observe and defend our Privileges.

A.D. 1360. There now swarm'd in *England* a sort of Men very troublesome to the Realm in general, and to the University in particular, *viz.* The four Orders of *Franciscans*, whom the Clergy found to be such Enemies to Church Government, that they chose *Richard Fitz-Ralph*, Chancellor of *Oxford*, and Arch-bishop of *Armagh*, personally to represent to the Pope, the Grievances hereby accruing to them and the two Universities,

ties, together with an Account of their Avarice, Pride and Contempt of the Scriptures; which he well perform'd, as appears from the nine Propositions by him discuss'd with them, and now extant. By the Allurement of these Fryars many young Men entring into their Societies without Parents Consent, were taken from hence; and whereas (says *Armugh*) there were in his Days 30000 Students here, there were not above 6000 now. But so large were the Lives of these Fryars, and all in the Pope's Service; that this Prelate's Endeavours were vain, they having Money to purchase the Pope's Favour and Protection.

The Difference which ensued the Death of *A. D. 1361. Armugh*, between the Chancellor and Proctors, occasion'd by the Proceedings of *Hen. Wadewel*, a Monk of *Abingdon*, and then of *Canterbury*, who, contrary to the Inclinations of his Abbot, and the Customs of the University, aiming at an Inceptorship in Divinity, without paying Fees, gave us some Disquiet. The Abbot wrote to the Regent Masters, to set his Monk aside his Degree; who, notwithstanding, by Application to the Chancellor, so far prevail'd as to bring the Matter into the Congregation, contrary to the Proctor's Remonstrance, and having his Grace proposed, it was denied by the Proctors, and some of the Masters, on a Statute not well understood by the rest (for in every Violation thereof 'tis the Proctor's Duty to intercede *more Tribunatio*) whom the Chancellor would have therefore expell'd the Congregation-House; The Abbot being made acquainted, by one of the Proctors, of the Monk's Boldness, approv'd of this Denial; yet by the Management of the Archbishop of *Canterbury*, he was admitted Inceptor; but on his presenting the

Regents with *Vestments* and *Robes*, according to Custom, one of the Proctors refus'd the Gratuity, and interrupted his Proceedings: but at last this Matter was amicably concluded, and the Monk admitted to his Degree.

John Norton.

1363.

About the same time a Carmelite Fryar gave the University much Trouble, being summon'd to appear before the Chancellor, for frequent Breaches of the Peace; who, by the Perswasion of his Provincial, and others of that Order, contemn'd this Citation, and appealing to the Court Christian, caus'd the Chancellor to be cited thither: But on Application made to the King, the Provincial, and every one of that Society, were forbid, in this Cause, to impeach the Chancellor, by any foreign or Domestick Process in Court Christian, in Prejudice of the Liberties of the University, *which has* (says the King) *a Royal Jurisdiction touching Pleas granted thereunto by us and our Progenitors.* At the same

Claus. 34. Ed.

3. M. 27.

Pat. 36. Edw.

3. P. 2. M. 44.

Time another Writ issued out, commanding all Ecclesiasticks, and their Ministers, not to admit this Cause into their Courts; and by this Means, for the present, was the Fryar's Insolence repress'd; whereunto they were so far inclin'd, that in the next Age, or sooner, they were expell'd the Congregation-House; and a Statute made, forbidding the Presence of any two of them there at the same time; enacted on the Account of a Carmelite in his Speech, defaming many secular Students; who was thereon degraded and banish'd the University.

A. D. 1366.

I shall pass by several Things relating unto us for these three last Years, and proceed to the Complaint of the two Universities, touching the Fryars Pride, and Contempt of all their Laws and Statutes; whereupon, on a Summons of the Chancellor and Proctors, and of the four Orders

Orders of Mendicants to appear by their Provincials ; both Parties submitted to the Decision of the Parliament, and it was decreed, *viz.* *Rot. Parl. 42*
Edw. 3. N. 7.
Tur. Lond. That the Chancellor and Masters hereof should treat the Fryars in doing Exercises, and suing for their Degrees, with all Benignity, and that the Statutes of the Universities, against receiving Persons under 18 Years of Age, should be repealed, and all other Laws in their Prejudice be ineffectual ; provided they sued not for Papal Bulls contrary to the Rights of these Universities, and the Laws of the Land ; but that they referr'd their future Debates, and the Punishment of all Trespasses whatever to the King and his Council ; and thus were these Disputes, for the present, ended : Yet the Fryars, the next Year, had cited the Chancellor to the Court of *Rome*, if the King had not immediately forbid the same. But these Fryars were not *A. D. 1368,* only grievous to us, but to all Christendom in general, in no wise answering the End of their Institution, *viz.* The Extirpation and Refutation of Heresies, which, by their Means, increased so fast, that Archbishop *Langham* now sent to *Oxford* 30 Articles full of Heresy, with Letters publicly condemning the same as erroneous ; on the Publication of which Letters all Persons were prohibited either to approve or defend these Opinions in the publick Schools or elsewhere, under the Pain of the greater Excommunication, to be canonically fulminated against them by the Chancellor after a third Monition to the contrary. About this time Archbishop *Whittlesey*, first a Student here, and then Head of *Peter* House in *Cambridge*, (to evince his Affection to his Mother University) by a Bull from *P. Urban V.* in the *Appendix*, obtain'd, that the Chancellor of *Oxford's* Election should be no longer confirm'd by the Bishop of *Lincoln* ;
and

A. D. 1401.

and the like Bull was granted to *Cambridge*, in Respect of the Bishop of *Ely*.

1376.

Vide Append.

p. 15.

A Commission was granted to certain Bishops, formerly Students at *Oxford*, to hear and determine a Difference between the Chancellor, Doctors in Divinity, and Masters of Arts, on one side, and the Doctors and Batchelors of *Civil* and *Canon* Law, on the other, occasion'd by some Statutes made the foregoing Year, in prejudice of the latter; from which the Lawyers, on Complaint to the King, were exempt, it being granted unto them by Letters, to take their Degree at the usual Term of Years; on doing the wonted Exercise, notwithstanding any Statute of the University to the contrary. And on hearing the Matter on both sides, in *St. Paul's* Church, urged by their respective Advocates, an Agreement was made between the Parties, and *Montague*, *Inglesby*, and others, expell'd from hence, for raising these Commotions, were restor'd: And the Commissioners repealing those Statutes, which were the Cause thereof, publish'd two others in favour of the Lawyers; which, for their length, I here omit; and these Acts so much afflicted the Divines, and especially the Artists, slipping no Opportunity of vexing the Lawyers, that the whole University was involv'd herein; and their first Resentments fell on a *Dominican*, whom they expell'd the Convocation, and then the University, for preaching an insolent Sermon against the Sophists: Hereof, the *Dominicans*, on complaint to their General, thro' the Merits of the Person, procur'd a Royal Mandate for his Restoration, which some of the Masters resisting in an armed manner, kept unlawful Conventicles, and treated the Lawyers with great Inhumanity. And tho' the King, on Information hereof,

Pat. 51. Ed.
M. 28.

im-

impower'd the Chancellor, Sheriff and Mayor, to restrain the same, his Letters availed not in promoting Peace; whereupon a second Commission was granted for the ending of these Differences, happening in the Congregation-House, on the Denial of some Graces to absent Persons, which the Regents refus'd to grant, till the next Year the King interpos'd herein.

On K. *Richard II's* coming to the Crown, a *A. D. 1377.*

great Ferment arose in the University among the *Artists*, by the Means of some Monks, disturbing the Scholars Peace, which the King endeavoured to restore by Commissioners sent hither for this end; but on the ill Treatment of them, he summon'd the Chancellor, Proctors, and said Monks, to appear before him, and give an Account of their Behaviour, and in the Interim put the University under a Suspension of all its Privileges; but on the Monks Submission to his Mercy, their Offences were pardon'd, and the Mulct lately impos'd on them was remitted. About this Time was the Prediction of *Aschindon*, and others, at *Oxford*, from a great Eclipse fulfill'd, relating to some new Opinions which would happen in Religion; and especially his Prediction about the Rise of a new Prophet, drawn from the Conjunction of *Saturn* and *Mars* in *Cancer*, meaning *John Wickliff* S. T. P. *8th of June, Anno 1357.* and Warden of *Canterbury-College*, who, by his publick Preaching and Disputations here, became a warm Impugner of the *Romish* Errors and Superstitions, and had many Followers herein, who, writing and disputing in Defence of him, were some of them condemn'd of Heresy, as *John Ayston*, A. M. and Fellow of *Merton*, *Nic. Hereford*, S. T. P. and Fellow of *Queens*; *Phil. Remyngdon*, S. T. P. and Regular Canon of *Leicester*, *Laur. Bademan*, A. M. *John Asward* by.

by, S. T. P. and Vicar of St. Mary's Oxon. *John Huntman*, and *Walter Dash*, Proctors, &c. And so firmly was *Wickliff's* Doctrine now rooted in the University, that *P. Greg. XI.* hearing thereof, by a Bull, in the 6th Year of his Papacy, viz. this or the foregoing Year, issued his Fulmination against the same, severely reproving the Chancellor's Neglect, in suffering this Heresy to diffuse it self; yet the Proctors, and many of the Masters were in doubt whether they should receive or reject this Bull with Contempt, as a new and unheard of Thing; which so astonish'd the Religious, that the Monkish Writers fearing to commit the whole Matter to Writing, break the Thread of their Discourse as oft as they come to treat hereof: Part of this Bull I have thought fit to place in the *Appendix*, whereby the Pope's Opinion may be the better known touching *Wickliff's* Doctrine. And besides this Bull, he sent Letters to the Archbishop of *Canterbury*, and Bishop of *London*, setting forth the chief Heads thereof, commanding them to arrest and commit him to Prison; whose Opinions, by virtue of the said Papal Rescript, at *Oxford*, were condemn'd, as favouring of Heretical Pravity. About this time, *K. Rich. II.*

Rot. Chart. by a remarkable Charter of *Inspecimus* confirm'd all the Privileges which had been granted by his Predecessors to the University, and
Ric. 2. N. 14.
Tur. Lond. remitted a Subsidy, which *Edward III.* had imposed on the Scholars, viz. four Pence per Head, on every Clerk, commorant in the University, without a Benefice; and soon after confirming this Remission, he presented the University with a Summ of Money, in return of the said Subsidy: And 'tis to be noted, that benefic'd Students in the University were wont to pay twelve Pence in lieu of one Tax which the

the Proctors collected by Virtue of a Warrant directed to them, with a Power of distraining their Goods for Non-payment thereof. And moreover, that the University might more fully enjoy its Liberties, the King commanded all his Judges, Sheriffs, &c. to suffer the Chancellor to use and enjoy all its Liberties and Privileges, according to the Tenor of certain Charters given by his Royal Progenitors, with a particular Order to the Sheriff to aid and assist the Chancellor in arresting of a Malefactor on request made to him; with the like Command to the Mayor and Bailiffs about the same time. He farther enjoin'd the new Pitching and Paving of the Streets, within the City and Suburbs thereof, and the removing of Dirt and Filth from thence, for the sake of a wholesom Air. And after this, that nothing might be wanting to compleat our Happiness, he reconciled the Differences between the University and *Dominican* Friars, being mov'd hereto at the Instance of a Regent-Master of that Order, (for at that time they had only one) and by the Bachelors and Scholars thereof, who complain'd, that they were by the Chancellor and Scholars denied their Degrees, which they averr'd a Right to. At this Time the King endeavour'd to accommodate the Differences of *Queens* College, which had rendred that Society infamous throughout the whole University, for three Years together, arising from the Election of a Provost. For when Complaints were brought to *Alex. Newil*, Archbishop of York, and Visitor of that College, by way of Appeal, the Fellows treated his Commissaries sent to *Oxford* for the Determination thereof, in such a Manner, that they were afraid to exercise the Visitation Authority committed to them; where-

A. D. 1379.
Cl. 3. Ric. 2.
M. 10.

Archiv. Oxon.
Civ.

whereupon a Royal Writ was issued to the Chancellor and Mayor, to assist them in the Execution of their Office, and to defend them from the expected insults of the Scholars and Townsmen; and by this Means these Disputes were quieted for the present; but they soon after broke out again, and were not adjusted till a peculiar Mandate was sent to the College by the King, for the Expulsion of *Hon. Whisfield*, Provost, and three of the Fellows of that Society. But these Scholars privily carrying away with them the College Charters, Books, Jewels, Money, and other Goods, concealed them in several Parts of the Town, until the Chancellor and Proctors were by the King impow-er'd to search for the same, and to return them to *Tho. Carleil*, the Provost. But the Fellows of *Queen's*, especially those that were expell'd, continuing to disturb the Peace of the University, the King, on the 7th of *February*, authoriz'd the Chancellor and several Masters to hear and determine this whole Controversy, and sent a Writ to the Sheriff of *Oxford*, to compel *Rich. Thorp* and *William Middleworth*, to surrender up to the Provost and Fellows, the College-Seal; and by the King's Delegates the Visitor's Sentence was confirm'd.

Cl. 3. Ric. 2.
M. 40.

A. D. 1380.

Nor was the King less careful of the Peace of the University and City than of this College, for the Scholars and Townsmen giving themselves a Loose, committed all manner of Villanies, as Murder, Burning of Houses, open and private Robberies, &c. Therefore, to cure this Malady, his Majesty, on Information hereof, commission'd the Chancellor of *Oxford*, and others, to enquire hereinto; who thereupon imprison'd many of the Offenders, and oblig'd others to find Bail for their Appearance,

at the following Sessions of Goal-Delivery; and lastly mulcted some of them in pecuniary Summs, and other Penalties.

But to omit several Matters of the foregoing *A. D. 1382* Year, such as the Townsmen over the *Osney* Convent, the King's Writ about keeping the Peace, and cleansing the Streets, and a Statute of the Realm against *Lollardy*, I now come to the Controversy between the University and *St. Frideswide's* Priory, about the Jurisdiction of Fairs yearly held at *Oxford*, and claim'd by the Chancellor in right of having the Affize of certain Mercantile Goods sold in the Market there; which Fairs being interdicted by him, and the Standings, Stalls, &c. being pulled down by his Order, the Priory by frequent Complaints to the King procur'd a Writ Inhibitory to the Chancellor and Proctors not to molest that Convent in the Use of these Liberties, with others near of the same Date, commanding the Publication hereof, and forbidding the Infringement of the Privileges hereof, and disturbing them in the receiving of the usual Profits of these Fairs, under the Forfeiture of all their Goods. But the Scholars not regarding these Orders, heavier Complaints were made against them; whereupon the whole Matter came to a Hearing before the King's Commissioners; and, after Arguments on both sides, Judgment was given *Pat. 6. Ric. 2. p. m. 1.* in favour of the Priory, which put an end to this Dispute.

And now I am come to the Year of *Wickliff's* *A. D. 1384* Death, which I cannot pretermitt without some Observations on this first Reformer of Religion, howsoever foreign to the present Undertaking; who was indeed a Person of profound and uncommon Learning (according to the Testimony of his fiercest Enemies) and of a Mind so upright

right and sincere in regard of Truth, that all the Temptations of Power, Honour and Riches cou'd not divert him from his Purpose, of purifying the Church from the Dross of many *Romish* Errors and Superstitions; and herein he had well succeeded, if he had been contented at first only to have expos'd the Fopperies of that Church in its Worship, and not attackt its Doctrines, and the scandalous Lives of the Clergy, especially of the Regulars, whose Lust, Avarice and Ambition were too infamous to support any Communion long: And such was the Hatred of the *Romish* Priests to him, who died at *Lutterworth* in *Leicestershire*, that Archbishop *Arundel* some few Years after his Death excommunicated him, and after he had been bury'd 40 Years, *Rich. Fleming* Bishop of *Lincoln* order'd his Bones to be digged up, and thrown into the River running hard by the said Place.

On the 13th of *November* this Year the Archbishop of *Canterbury* visited *Osney* Abbey, on the 14th *St. Frideswide's* Priory, and on the 15th, *Canterbury* and *Merton* Colleges, being then local Visitor of so many Colleges; but nothing hereof appears in the Archbishop's Register: And about the same time a Controversy arising between the Lawyers and Physicians in respect of Precedency, it grew to such a Height, that the same was settled and determin'd by a Constitution of the Convocation, appointing the Physicians to sit on the Chancellor's Right Hand, and the Lawyers on his Left: which so incensed the latter, that they had carry'd this Matter by Appeal to the Court of *Rome*, had not the King, upon Knowledge thereof, pronounc'd all Decisions of Causes carried thither in fraud of the University, to be void; and forbidden the Lawyers to go out of the Realm, or to transmit

Clauſ. 8. Ric.
2. m. 23.

transmit any Summ of Money thither for this Purpose ; and lastly to hinder the Chancellor and Proctors in the Execution of their Offices : But what Event these Disputes met with does not appear ; tho' many things occur this Year in relation to the Lawyers, particularly Letters empowering them to solicit their Affairs either in the University, or in any of the King's Courts, provided it was not done in prejudice of the University ; and it appears that they were rebuked by the King, for procuring a Suit to be adjudg'd in a Court foreign to the Chancellor's Jurisdiction, in prejudice of the Privileges of the University ; and a Statute was hereupon enacted against their private Cabals and Assemblies.

But no sooner were these Dissensions laid to *A. D. 1385.* rest, but that the antient Hatreds and Animosities between the Northern and Southern Scholars were reviv'd by certain disaffected Persons desirous of exciting Troubles in the University : But the King, on notice hereof, wrote to the Chancellor to suppress all unlawful Assemblies and infamous Libels, commanding him to punish those of the Scholars promoting National Quarrels ; but these Variances were only healed for the present, for they immediately afterwards broke out in such a manner, as to disturb the Peace of the whole University. Among these Troubles there appeared a grievous Disagreement between the Fellows of *Oriel College*, about the choice of a Provost, *John Middleton S.T.P.* being chosen by some, and *John Kyrton* by others ; which Controversy lasted for several Weeks, and gave so much Disquiet to the College, that many of the Fellows thereupon left the same : But on a Report hereof to the King, the whole Matter was by him referr'd

to the Archbishop of *Canterbury*, the Bishop of *Winton*, the Chancellor of the University, and to *John Bloxham*, Warden of *Merton College*, or to any two of them; who the Year following confirming *Middleton's Election*, reconciled all the Fellows again; and the like Contest happening some Years after between *John Poffel* and *John Paxton*, on an Appeal, the Matter was committed to the Archbishop's Delegates or Commissaries, and the Provostship adjudged to *Poffel*.

A.D. 1387.

About two Years after the Religious Students in the University complain'd to the King of certain Grievances inflicted on them, in particular, that tho' they had done the necessary Exercise for a Batchelor or Doctor's Degree in Divinity, they were notwithstanding deny'd the same by the *Seculars*, for that they had not been Regents in Arts (as required by a certain Statute long since made, and lately reviv'd) for Defect of which Regency others were often dispenc'd with, but they scarce ever. Whereupon the King wrote to the Chancellor and Proctors, to make him more fully acquainted with the Intent of this Statute; and it appearing, that this Statute was made to afflict the *Religious*, and in their Prejudice; he commanded a more candid Dealing with them for the future, and order'd them to be admitted to their Degrees. It is to be noted, that before the Promulgation of this Statute, Doctors of Divinity only employed their Studies in that Faculty, and knew nothing of Arts and Sciences, and therefore were accounted inferior to the Artists, the University being founded in Arts: And forasmuch as every illiterate Person arose to the Degree of a Doctor in Divinity, and to the highest Honours in the Church, with no other

other Learning than that of Divinity, of which Preferments the Artists were incapable, the University made this Law in respect of Theology, viz. " That for the future no one shou'd be an Inceptor in Divinity, who had not first compleated his Exercise or Acts in the liberal Arts and Sciences, and read one Book of the Canon or Sentences, &c. and publicly preach'd in the University; and if any one shall attempt any Dispensation hereof, thro' the Authority and Sollicitation of Great Men, let him lose the Privilege of the University. Which Constitution was made *Anno* 1251. and being since in some measure grown into Disuse, was now reviv'd.

The Ferment which came to pass the next Year between the *Southern* Men here join'd by the *Welch*, and the *Northern* Scholars; on the 29th of *April* coming to an open Battle in the *Fields*, therein many were killed and wounded on both sides; which forced many of the Students to go into the Country; and this Conflict lasting for four or five Days, was at last notify'd to the King, who thereupon order'd the Chancellor to cause a Proclamation to be made against all unlawful Assemblies and Bearing of Arms, withall reproving him for his encouraging of Parties and other Male-administration; and summon'd him to appear before him and his Privy Council, and give an Account of himself and of these Commotions, &c. who accordingly appear'd on *Trinity Monday*, and not being able to give reasonable Satisfaction herein, he was remov'd from his Office, and *Tho. Brightwell* was by the Convocation chosen in his room: And for the future avoiding of these Dissensions, a Statute was made obliging all Inceptors in Arts to swear, " That they will not impeach

“ the Peace, Concord, &c. between the *Southern* and *Northern* Scholars, nor if any Dissension shall arise among them, as between different Nations, which in truth they are not; they would not encourage or inflame the same, nor be present at unlawful Conventicles, nor tacitly nor expressly consent thereunto, but hinder them, if possible. But

A. D. 1389.

scarce was the Flame of this Sedition extinguish'd, but a new Fire was rekindled from the remaining Sparks thereof; for in the midst of Lent this Year, the *Welch* being join'd by the *Southern* Men, drew themselves up into a Body at the *Beaumonts*, and on a Day prefixt assaulting the *Northern* Men met there, they decided their Quarrels in a pitch'd Battle, wherein many were killed and wounded on both sides. Hereupon many of the *Welch* were compelled by Expulsion to abjure the University, and on leaving the Place were treated by their Enemies in a cruel manner; not only forcing them at their going out of the City to kiss the Gates on their Knees, but also knocking their Heads against them, till Blood and Tears gush'd out at their Eyes, Nostrils, &c. Nor did they shew more Mercy to those who staid behind them, plundering their Halls of all their Goods: Yet upon a bare Examination only of the Fact, and on the Imprisonment of some of the Authors thereof, the Matter dropt after the next Assizes. Soon after this the Archbishop of *Canterbury* coming to visit the University and the *Black Monks* of *Glocester College*, was resisted herein; wherefore he left his Visitation unfinish'd. See *Walsingham* sub anno 1389.

— 1390.

And no sooner were the Feuds of the foregoing Year quieted, but these Fryars gave the Scholars fresh Troubles, by going abroad for their Masters

Masters Degree, to the Scandal of their Order, and the Damage of the University, on their Refusal to undergo a fuitable Examination for the same : Whereupon *Oxford* and *Cambridge* made Application to the King not to support them herein, as his Ancestors had done, who wrote to their Provincial, and to all the Priors in *England*, in favour of these two Schools of Learning. In the antient Statutes the Mendicants were the only Persons styled *Doctores Cerevi*, who coming hither for Degrees from beyond Sea, had Testimonials thereof given them by us under Seals of Wax ; which Name was first given them about the Year 1313. But some will have it, that these Men rather deserv'd that Name, for that they shun'd the Business of Study, as Wax does Fire, hereby kindling the Displeasure of the University against them. But about six Years after, on a Complaint of the Chief of these Fryars to the Parliament, as believing this Method of taking Degrees to reflect Dishonour on the rest of their Order, a Law was made against their going out of the Realm without the King's special Leave, *Rot. Parl 20 Ric. 2. m. 30.* under Pain of losing the Benefit of the Royal Protection.

Passing by the King's Charter now granted *A. D. 1391.* for Conservation of the Peace, with another given the last Year, whereby the Cognizance of all personal Suits, both within and without the City Walls, was confirmed to the Chancellor, if one of the Litigants were a Scholar, I will consider the King's Inhibition of all Scholastick Exercise till 15 Days after *Easter*, on the Chancellor's Complaint of one *Hen. Crompe*, for defending *Lollardy* in his publick Lectures, who commanded *Crompe* in the mean while to appear before him and his Council, and to give an

A. D. 1392.

account of himself; but what was the Issue thereof, does not occur; tho' tis said, that he afterwards renounc'd his Opinions at a Synod held at the *Carmelites House* at *Stamford* in *Lincolnshire*; who soon after returning to *Oxford*, and being admitted to a Regency in Divinity, (whereunto the Students were now oblig'd for many Years) he persisted to defend his old Doctrines, notwithstanding his Condemnation and Remunciation thereof; but few embrac'd the same, fearing to receive any Notions from one condemned of Herefy. *Crompe* being threatened with Imprisonment from the Chancellor, and mov'd with the Resentment of many Injuries, complained to the Archbishop, and finding no Relief from hence, he waited on him, and laid his Notions before him; which the Archbishop, upon reading and considering the same, was inclin'd to favour, and thereupon empower'd several Persons to examine and inspect the Articles or Propositions, wherein he was suspected of Herefy, and to transmit their Opinion thereof to him. And so great was the Number of *Lollards* about this time, that the King being prevail'd on from the frequent Complaints of the Chancellor and Bishops, by Letters enjoin'd the Chancellor to eradicate this Herefy from the University, at the same time commanding him and the Doctors to examine a Book of *Wickliff's*, called, *The Trialogue*; and to send the Heads thereof to him in his Court of Chancery, under the Seal of the University; but what was afterwards done herein, I know not.

— 1395.

— 1396.

About this Time the Lawyers renew'd their Disputes with the Divines and Artists, on the score of some Statutes made in their prejudice, which so far incens'd them, that their whole Faculty,

Faculty, on presenting the chief of their Grievances to a Convocation of the Clergy held at London, not only shew'd the Claim of the University to an Exemption of Episcopal, but also Archiepiscopal and Papal Jurisdiction it self, by virtue of a Papal Bull granted this or the foregoing Year; for which reason, some say, the King order'd the University to make a solemn Submission to his Royal Prerogative; which was accordingly done. But the Chancellor relying hereon, after the Lawyer's Proctor had exhibited his Articles, protested against the Process, and with Petulancy withdrew himself from the Assembly; yet it appearing from the said Statutes, that many things were enacted in fraud of the Lawyers, they were repeal'd, and in April following, that this Constitution might not be hereafter infring'd, or grow into disuse, the Decree made Anno 1376. was confirm'd by Royal Authority; the Archbishop ratifying the Lawyer's Renunciation; by adjudging this Exemption to be null and void in respect of the University; which Exemption the Lawyers had now complain'd of. But upon the Archbishop's coming hither to settle the Peace of the Place, and to suppress the Heresies presented by the Lawyers, he was resisted in his Visitation of the University by the Chancellor and Proctors, in virtue of this Exemption; wherefore the King immediately, on notice hereof, by Writ commanded them to submit to the Archbishop's Power, and to renounce this Bull in the Presence of his Messenger, and to certify this their Renunciation to him by a publick Instrument, strictly requiring them to make use of no Bull in prejudice of the King's Prerogative, and also therein affirming this Exemption to be a pernicious Imposition on them: And indeed if the

Pat. 20. Ric.
2. p. 3. m. 26.

4 D. 1397.

Pat. 20. Ric. 2.
p. 3. m. 32.

Univerſity had renounc'd this Bull, it had not well conſulted its own Advantage, ſince the chief Grounds of our Rights were therein contain'd, eſpecially that remarkable Privilege of the Cognizance of Cauſes relating to Clerks; nor was it needful for it to have ſued the Revocation thereof from Pope *John*, if the ſame had been already renounc'd. And it was further inſiſted on by the chief of the Students, that if this Exemption were ſet aſide, which they diſallow'd of, the Right of Viſitation belonged to the King, and not to the Arch-biſhop; but at length, on a Reference to the King, this Right was determin'd in favour of the Archbiſhop. Yet this

Pat. 20. R. 2. p. 3. m. 9. Decision; whereby the King adjudg'd this Viſitation to belong of *common Right* to the Arch-biſhop, and not to himſelf, does not reach the Papal Exemption, and therefore not the Immunity of the Univerſity; on which account this Viſitation did not now proceed. But notwithstanding this Diſtraction of Affairs here; yet the Buſineſs of the Schools did not ceaſe, as uſual, according to antient Statute; whereby the Scholars, on the Invaſion of their Liberties and Privileges, were wont to have Recourſe unto this Remedy. Therefore *Pryn*, in a Book entitl'd, *The Preſence of the Univerſity of Oxford refuted*, ſays, that the Chancellor and his Commiſſary, by the Interpoſition of this Bull, forbid the Archbiſhop to viſit the Univerſity; and that on the Complaint of the Doctors, Proctors and Maſters, the Method of obtaining thereof was condemn'd by them and the whole Convocation of Maſters. But he and his Author are both miſtaken herein; for theſe Complaints were lodg'd againſt the Divines and Artiſts, and the Statutes (as aforeſaid) by the Lawyers; and that not in the Convocation of the Univerſity, but in that

of the Clergy, Anno 1396. when the Lawyers impeached this Exemption, because it prevented a Visitation, which they hoped to make good Advantage of. Besides, it is a Mistake, that the Chancellor and Commissary purchas'd this Bull of Exemption, since our Registers and many Writers of our History, say, the same was granted by Pope Boniface 8th, before these Men were born; and it is altogether as improbable, that Boniface 9th should grant it, it being in favour of Lollardy; and another Objection against this Opinion, is, a Statute of the Realm now making it a *Pramunire* for any one to procure such Bull from the Court of Rome. ^{16 Rich. 2. ch. 5.}

The University, in the Year 1399. perceiving the Damage it sustain'd by *Papal Provisions*, applied for Relief herein to the King, who in imitation of his Ancestors, by wholesome Laws endeavour'd to suppress the same, as the Bane and Ruin of the Church, as well as our Universities; for these *Provisors* being for the most part Aliens, after their Collation to such Benefices and Dignities, were wont to demise them to the English for a yearly Rent: but it matters not, in another respect, on whom they were conferr'd, whether on Denizens or Aliens, since *Provisors* do equally deprive the Patron of his Presentation; for those were styled *Provisors*, who purchas'd these Collations of the Pope, who claim'd the same as belonging to him of *Common Right*, in opposition to the true Patron's Right of Presentation. ^{25 Edw. 3. ch. 3. 27 Edw. 3. ch. 1. Rich. 2. ch. 3. 7 Rich. 2. ch. 12. 12 Rich. 2. ch. 15. 12 H. 4. 3. & 4.}

And now coming to the last Year of the 13th A. D. 1400. Century, I cannot leave the same without a Remark on the State of Learning here during this Course of Time, interrupted by several Misfortunes. As first, By the frequent Quarrels of the Students and Fryars. 2dly, By the Civil

Civil Wars in the Reigns of *Edward the 1d* and *Richard the 1d*; giving such Licence to the corrupt Minds of Men, that it render'd them unfit for serious Studies, 3dly, By the great Dearth of Provisions necessary for human Life, which prevented the coming of many Persons hither about this time. 4thly, By the Tyranny of *Papal Provisions*, which made several Men rather chuse Trades and manual Occupations, than Letters: And these things, with the *Pe-*ffilence aforementioned, were the principal Causes of the Difuse and almost the Contempt of Learning in this Age, and of reducing the Scholars to so small a Number, that many Halls and Schools (according to our Registers, and the Rent-rolls of several Religious Houses) were let for some Years, especially in the Reign of *Rich. the 1d*. And hereunto may be ascribed the Interruption of our Commerce with the Students of *Paris*; and the Insolence as well as Ignorance of the *Junior* Scholars here, shewing the highest Contempt to Men of Erudition. But yet to this Decay of Learning and Decrease of Scholars, we in some measure owe the Building of some Colleges, especially that of *New College*, as appears from its Charter of Foundation. And the King himself, to supply this exhausted Spring of Learning with suitable Encouragements, not only now confirm'd the antient Privileges thereof, as he had done before at his Inauguration; but also added others thereunto: Among which was the Enlarging of its Jurisdiction on the East-side to *Bartlemas* Hospital, on the West to *Basley*, on the North to *Godflow*, and on the South to *Bagley Wood*, within which Precincts the Chancellor was to have the Cognizance of all Causes belonging to him, notwithstanding the King's Justiciaries, and all other Magi-

A D. 1401.

Pat. 2. H. 4.

P. 1. M. 2.

Magistrates whatsoever; and at the same time he remitted a yearly Pension of five Pounds paid by the Chancellor for the Custody of the Assize of Bread, Beer, &c. as already premised; and this Summ was afterwards paid to the Keeper of the publick Library.

And now, on a Petition of both Universities, it was pray'd, that the Municipal Laws against the Abuse of *Provisions* might be reviv'd by Parliament, and put in Execution; whereby Care might be taken of the two *English* Universities; and to the same End were two Petitions offer'd by the University; the one against Pluralities, Papal *Provisions* and Non-Residence, with an Exemption of Arch-bishops and Bishops Chaplains, and all Scholars in the two Universities from *Place*; and the other was for wholly abolishing *Provisions*, or (at least) discountenancing them; that neither Cardinals nor any Foreigner should enjoy any Church Preferment within this Realm. But I cannot finish this Year without a Remembrance of the Riots, Thefts, and other Felonies now committed by certain *Irish* Scholars here; whereupon the King sent Commissioners to enquire into, and punish these Disorders; yet this Proceeding was no Terror to their Comrades; who, for the like Offences were in the Years 1413 and 1422, banish'd the University.

By the Queen's Mediation, which the Scholars obtain'd through the Instance of the Nobility, the King impower'd the Graduate Lawyers and Divines to purchase *Provisions* for any Preferments in *England* or *Ireland*, and belonging either to Cathedral, Conventual or Parochial Churches. But so greedy were the Prelates and their Officers, of Money, that this *Grant* succeeded not to their Wishes, or the King's

A. D. 1405.

King's Intention. And to these *Provisions* some ascribe the Growth of *Wickliff's* Doctrines, which the Scholars here had so far imbib'd, that they had probably prevail'd throughout the Kingdom, had not the Arch-bishop publish'd a Constitution against the Sale of his Books, and the Use thereof here and in other Places, forbidding all Books to be read, not approv'd by both Universities, or their Deputies, to be named by the Arch-bishop himself, &c. commanding all Heads of Colleges, Inns and Halls, monthly to enquire into the Orthodoxy and Behaviour of their Scholars, and to proceed against Persons suspected of Heresy on this Constitution, first by Admonition, and then by Excommunication; and on Neglect hereof, such Head (besides the Loss of his Office) was to incur the Censures of the Church. And tho' many Articles of his Doctrine were condemn'd by a Synod in *London*, and by the *Oxford Decree*; yet maugre all their Endeavours to suppress it, it so much increas'd, that the Arch-bishop by Citatory Letters to the Chancellor, Doctors, Masters and Scholars, commanded their Appearance at his Visitation of *Oxford*; and tho', at his coming hither, the Chancellor, Proctors, and many others, went out to meet him; yet the Chancellor declar'd him welcome, if he came as a Guest; but if as a Visitor, he told him, that the University had been for many Years exempt from Archiepiscopal and Episcopal Jurisdiction, by a Papal Bull. Which Treatment the Archbishop resenting, after some few Days Stay, left the Place, and by Letters signified the same to the King; who, summoning the chief Magistrates of the University, commanding them to produce this Bull in Council, and for their Disobedience, removing

— 1411.

ving them from their Offices, he by Writ order'd the *Chancellor born*, or the *Senior Divine*, to take on himself the Care of the University, till another should be chosen in the Room of him remov'd, with an Injunction to him also to produce the said Bull: Some say, that the King committed both the Proctors close Prisoners to the Tower of *London* for this their Contumacy; and for this they quote Letters of Request from the University to the Archbishop in favour of them, which do not fully prove the Truth thereof: whereupon the Scholars dropping their Lectures retir'd into the Country with a Resolution of putting an End to the University, in pursuance of the above-mention'd Statute; but the King, on Information hereof, by several kind Letters invited their Return: And that the University might receive no Damage for want of Magistrates, he forthwith order'd a new Election in Supply of the remaining part of the Year; in which Election the Masters chose the exauctorated Chancellor and Proctors, for which Proceeding the King by Letters reprimanded them severely. At length, after various Disputes between the Archbishop and University, about this Right of Visitation, each side agreed on a Reference to abide by the King's Award; who, upon hearing the Matter, ratified and confirm'd the Decree and Sentence of *K. Richard II.* in the like Quarrel: And by this Means, for the present, was this Controversy ended, and the King, on the Request of the Chancellor and Masters, reconciled to the University; and the Archbishop, the next Year, obtain'd a Bull from Pope *John*, in Revocation of the aforesaid Exemption, which he caus'd to be publish'd here; but even this Bull was afterwards rescinded by Pope *Sixtus IV.* who restor'd

de Append.

xliv.

D. 1412.

flor'd and confirm'd the said Exemption.

And so far did this Archbishop endeavour to enlarge the Jurisdiction of his See, that a Dispute arose between him and the Archbishop of York, the succeeding Year, about the Right of visiting *Queens College*, which this Archbishop claim'd by virtue of K. *Rich. II's* Grant, where by he was authoriz'd to visit the whole University; and this Controversy coming into Parliament, the King, upon hearing Arguments urg'd on both sides, adjudg'd the same to belong to the Archbishop of York, claiming it by a peculiar Right of the College Statutes.

1413.

And whereas the Archbishop of *Canterbury* had before attempted to visit the University on an Enquiry of Heresy: even now the Bishop of *Lincoln*, as Diocesan, made the like Attempt, being hereunto empower'd by the King; and to this End publish'd his *Programma* almost of the same Form with the Archbishop's, commanding the Scholars Appearance before him, or one of his Commissaries, in *St. Mary's Church*; on a Day prefixt. Whether this Visitation was ever made, does not appear; but it may be observ'd, that as soon as the Archbishop had procured Pope *Boniface's* Bull to be rescinded, (at least as to an Enquiry touching Heresy) a Way was laid open to the Diocesan's Power: yet *Richard II.* in the 6th of his Reign, had granted by Charter to the University, that within the Precincts of it the Chancellor and Proctors should have a perpetual Power to make Enquiry touching Heresy: And therefore I know not by what Right the Bishop of *Lincoln* could visit the University, since the Bull of P. *Urban* had exempted the Chancellor from his Jurisdiction, by a Confirmation thereof obtain'd from him for many Years before: which

which Bull was not cassated by that of P. Boniface, as shall be shewn hereafter; for it was such, that it wholly exempted this supreme Magistrate of the University from the Jurisdiction of the Diocesan. But waving these Matters, the University was now molested in a worse Manner by a profligate sort of Wretches, call'd *Chamberlains*, or *Irish Beggars*, clad in the Habit of poor Scholars; who living under no Government, were wont in the Night-time, to kill and rob whomsoever they met in the Streets, by haunting Taverns and infamous Houses: On a Report hereof to the King, a Statute of the Realm was made, commanding all *Irishmen* to depart the Kingdom, unless they were Graduates, or of some Religious Orders impower'd to continue at *Oxford*, and finding Sureties for keeping the Peace: And moreover it was therein provided, that no *Irishman* should be made Head of any Inn or Hall, and that none for the future should presume to come to either of the *English* Universities, unless he brought with him Letters Testimonial from the Lord Lieutenant or Justices of that Kingdom for his good Behaviour, and deliver'd them to the Chancellor under Pain of High Treason; which Law prevail'd till the *Welsh* and *Irish* obtain'd the King's Leave for Residing here, (notwithstanding the said Statute) on finding Sureties for their good Abearance; tho' soon after they were banish'd for a Repetition of the same Crimes.

The Schism still continuing in the Popedom, A. D. 1414 which broke out some Years since on the Election of two Popes; a Synod was now held at *London*, and the Bishop of *Winton*, and the Lord *Scrup*, with the Chancellors of the two Universities, went Ambassadors to *Rome*, with a Declaration

Declaration to the Popes, that unless they would forego their Pretensions, the *English* would for the future, obey neither, but withdraw their Submission from the Apostolick See.

A. D. 1415. At last, a general Council was call'd at *Constance*, by the *Imperial* and *Papal* Mandate, whereunto the University of *Oxford* sent their Deputies or Syndicks, there being also there present the like Powers from the Universities of *Paris*, *Salamanca*, *Orleans*, *Cracow*, *Prague*, &c. Some have made it a Doubt whether *Cambridge* had any Representatives herein, yet there is a Manuscript in the Royal Library, relating the Acts of the third Sessions, which mentions *Cambridge* therein, though we do not meet with them in the Acts of any other Session. And thus much of this General Council here will suffice, it being besides my Purpose to remember the Acts thereof. Therefore I shall

— 1417. hasten to the Synod of *English* Clergy kept at *London* two Years after, wherein both *Oxford* and *Cambridge* had their Proctors, to represent the ill Condition of these two Universities; wherein the Students lived to be old Men, for want of being called abroad to Ecclesiastical Preferments, and other proper Encouragements for Learning: Whereupon a Constitution was made not long after, that only Doctors in *Divinity*, *Law* and *Physick*, should be qualified for any Church Benefice exceeding the yearly Value of sixty Marks; and only Licentiates, or Batchelors in Divinity, for those of fifty Marks; and only Masters of Arts for those of forty Marks: But because it was provided by the Statutes of each University, that none should be initiated to the Study of Divinity without being first Professors in Arts; nor could Students in the *Canon* Law become Doctors in that Faculty

culty, unless they had first apply'd themselves to the Study of the *Civil Law*, Persons were sent by the Synod to *Oxford* to treat with the Masters about this Matter, who were, in respect of Votes, superior in Number; and they dissenting from it, in concurrence with the Masters of *Cambridge*, the excellent Constitution, so much for the advantage of both Universities, was irritated and rendred ineffectual; which yet, as already noted, about four Years afterwards had the Promulgation of a Law, by the Consent of the major Part of the Masters, on a Condition being added of dispensing with the antient Statutes in favour of the Monks, who did not proceed in Arts or in the Study of the *Civil Law*. And as the University had before sent Deputies to the Council of *Constance*, so it also now received a Command from Pope *Eugene*, to send their Legates or Syndicks to the Council of *Basil*, which accordingly they did; yet excusing it self from this honourable Privilege by reason of the great Poverty under which it then labour'd, through the Occasion of frequent Law Suits with the Citizens, with whom they had to deal for two Years together, upon the account of their Extortion in the Prices of Victuals, &c. which so far incensed the University, that upon a Summons of several of the principal Citizens to appear before the Convocation, many of the Burgeses were discommon'd, or interdicted all manner of Commerce with Scholars and privileged Persons, until they made their Submission, and asked Pardon for their Offence, which they soon afterwards did by the Advice of the King's Judges coming in their Circuit hither; and by their Intercession for them they had equitable Terms granted them.

A. D. 1434.

Not long after, a grievous Contention broke out among the Scholars themselves, which the Chancellor not being able to quiet in the Course of a whole Year, he therefore called into his Aid the Endeavours of *Humphrey Duke of Gloucester*. The Source of this Sedition proceeding from the Arrogance of the *Civil Lawyers* and the Batchelors of Decrees, assuming the Title of Masters to themselves, contrary to the Statutes and Customs of the University; in resentment hereof, the *Regents* and *Non-Regents* made their Complaints to the King and other Men in Power, by way of Letters, by whom the Lawyers were so discountenanc'd, that they were forc'd to have Refuge to the Court of Arches and the Arch-Bishop's Power; but the King, on the Masters Request, order'd this Cause to be remanded to the University, for that it cou'd not be transferr'd to the *Arches*, or any other foreign Court, without doing Violence to the Privileges of the Scholars. These Dissensions, which were owing to so small a Beginning, grew to such a Bulk, that they divided almost the whole University into Factions and Parties; and indeed might have prov'd of very mischievous consequence to the Scholars, had not the Bishop of *London*, whom Pope *Innocent* the 4th made the Guardian of our Liberties, in conjunction with the Bishop of *Sarum*, interpos'd his Authority, and put an end to the same, being herein assisted by our good Patron the Duke of *Gloucester*, as aforesaid, who was never wanting to support us in Cases of the greatest Difficulty.

— 1441.

The King, in imitation or after the Example of certain Prelates, who had been Encouragers of Learning, observing the Decrease of the Scholars Stipends here, gave the Mannor of *Ponyngton* in *Hampshire* (for some time belonging to the

the Priors Aliens of *Okeburne*) with certain Pen-
sions and Portions of Land at *Milburnbeck*, *Turn-
worth*, *Charleton* and *Upwynbourne* in the said
County, to *St. Anthony's* Hospital in *London*, on
the condition of paying 50 Shillings per Week
by equal Portions to five Scholars, coming from
Eaton School to the University, for their Sub-
sistence here till they took their Degrees; which
was duly paid till the Year 1474, when *Edward*
the 4th annex'd this Hospital to *St. George's* Col-
lege in *Windsor* Castle; and then the said Rent
came to the Scholars of *Oriel* College in *Oxford*:
And soon after this King empower'd the Uni-
versity to purchase Lands for certain Uses.

In the Year following there arose a great *A. D. 1442*
Contest between the Masters of Arts and those
of Grammar, which not only disturbed the
Peace of the University, but soon after put an
End to the Grammar Line or Faculty it self:
Which Dispute was occasion'd by the Nomina-
tion of certain Masters of Arts at stated Times,
for the visiting of the Grammar Schools in rela-
tion to the Exercise perform'd therein; on
which account they receiv'd two Marks out of
an antient Rent, and four more out of the Uni-
versity Stock; and if this Mony should by any
means fall short, it was to be made good by the
Contributions of the Grammarians; and this of-
ten happening, the Grammarians by diminish-
ing the Number of their Scholars, now refus'd
the Payment thereof; whereupon the King, on
hearing the Complaint made to him, by Writ
forbid the further exacting hereof: But the Ar-
tists did not cease in their Demand, for they
laid this Matter again before his Majesty, and
pray'd him not to suffer the chief Faculty in the
University to be injuriously treated; yet not-
withstanding this second Application, the Gram-

marians getting the better herein, ceased to pay this Stipend for many Years : and pending this Suit, the Artists citing a Grammarian before them, depriv'd him of the Privilege of that Art, for not commencing his Degree according to his Oath and a Statute made for that Purpose.

In the Year 1458. a Dispute between the University and City happen'd, upon the account of a certain privileged Person imprison'd by the Magistrates of the City : and on a great Debate between the University and City, what Persons should enjoy the Privileges of the former, viz. whether they should be extended to Scholars Servants, and to such Persons, who receiv'd Liveries from them only ; or to others, with whom the Scholars had especially to do, as Booksellers, Barbers, &c. this Matter was by the King's Command refer'd to the Decision of the Bishop of *Lincoln*, on whom the Chancellor of the University and Deputies from the City waited, being then in *London* ; but the Students of the University, fearing hereby to fall again under the Jurisdiction of the Diocesan, or (at least) suspecting the Justice and Equity of that Prelate, on the 15th of *January* came to this Resolution, viz. " That the said Bishop had
 " no Power or Authority from the University
 " to treat of or determine any Difference or
 " Suit, arising between the Scholars and Towns-
 " men ; which Difference or Suit did any wise
 " concern the Customs, Statutes and Privileges
 " of the University, or any Abuse thereof, if
 " such. Such was the Protestation of the University, lest any one should think it subject to Episcopal Jurisdiction (from which it had been long since exempted by Papal Bulls) and lest that the Diocesan shou'd from this Handle let himself again into the Affairs of the Scholars ;
 which

which is a plain Evidence of the religious Care of our Predecessors in defending the Rights and Liberties of the University, who dreading the Bishop's Tyranny, wou'd not so much as suffer him to be an Arbitrator therein, well knowing how easily the Counsels of Great Men pass'd into Authority and Command at last, and that an armed Guest once admitted, seldom fail'd in time of not being repelled without Violence: Therefore setting aside the Bishop of *Lincoln*, and appointing another Arbitrator in his stead, the University impower'd Doctor *Chaundler*, then Chancellor, and *George Nevil* Bishop of *Exeter*, with others, to take care and adjust this Business of privileged Persons; whereupon the Composition, which is placed in the Third Part of this Undertaking, was made and signed by the University and City; and after this the Chancellor set at liberty one of the Bailiffs, whom he had committed to Goal for the Imprisonment of the aforesaid privileg'd Person, which he did not do upon the King's Precept: for altho' the Mayor endeavour'd to procure the same by his Application to the King and Council then at *Woodstock*; yet it was not granted, but upon Deliberation decreed by the King in Council, "That the said Bailiff should remain in Custody during the Chancellor's Pleasure, for that he was a presumptuous Transgressor of the Privileges of the University."

After this Controversy was ended, the King *A. D. 1459.* by Letters Patents commanded the Bailiffs to take care and see, that the Streets were cleansed, for the better avoiding of the Plague and other Sickness; and enjoin'd the Chancellor to remove all Panders, Bawds and Harlots, twelve, or at least ten Miles from *Oxford*, according to

the Charter granted in the 23^d Year of his Reign for this End and Purpose.

A. D. 1460.

And now approaching the End of *Henry the 5th*'s Reign, I will a little consider the State of the University at this time; for altho' this Prince had the Misfortune to be involved very much in Wars, yet he ever appear'd a great Patron of Learning, as may be seen from *Kings College* in *Cambridge*, and *Eaton* near *Windsor*, of both which Colleges he was the Founder; and as he received his Education here in *Oxford*, which his Father *Henry the Fifth* had done before in *Queen's College* under the Tuition of Cardinal *Beaufort*, so he ever shew'd himself a great Friend to our University, and especially to *New College*, *All Souls*, and *Maudlins*: But yet so great was the Decay of Learning, that whereas the University was heretofore wont to boast of its Thousands, there was scarce now a Thousand Scholars herein, which may be ascribed to the Paucity of Ecclesiastical Preferments bestow'd on the Students of this Place, which, for the generality, were now appropriated to Cathedral and Collegiate Churches. Another Reason of this Declension of Learning may be imputed to the Bishops withdrawing the Exhibitions or Stipends, which they were accusom'd to bestow on the Education of Scholars at the Universities; for the Bishops now, who had been formerly wont to reside in their Palaces, became Courtiers, and left their Diocesses to shift for themselves in a most scandalous manner, whereby they expended the greatest part of their Wealth on a luxurious and riotous Way of Life. And besides the Mischief of Papal Provisions, which were grown so infamously bad, that Pope *Eugene* conferr'd the Deanery of a Church by way of Provision on a Person

Person not in Holy Orders, which he is said to have purchas'd of the Pope for 1040 Marks, the University it self was in no small Fault, for laying aside a wholesome Statute of *Robert Grossthead's* against buying of Offices, which prefer'd none but Persons qualify'd in respect of Learning. And so great was the Corruption of those Times, from the Avarice of the Bishops Servants, that Persons bought Holy Orders, who perhaps were never matriculated in the University; passing those by who had spent their Time therein for many Years. Hereupon the University, by Letters to the Archbishop of *Canterbury*, put him in Mind of his Nursing Mother, and prayed him to apply a speedy Remedy to all these Evils, especially that of *Papal Provisions*; who for the future thereupon took care, that no one should be admitted to Orders within his Province, unless he brought Letters Testimonial from the Archdeacon of the Place where he liv'd, or from the Chancellor of the University, or his Deputy, touching his Merits and Qualifications. But this Care did not long obtain, the Bishops Officers rendering the same ineffectual and vain. Nor did Learning only lie expiring with us at this time, but also in all foreign Parts; which every good *Italian* laying to Heart, it induced Pope *Nicholas* at length to build that famous Library on the *Vatican*, for the Restoration of Learning, if possible.

A Quarrel happening between two *Franciscans*, the one procur'd an Inhibition from the Court of *Arches* to hinder the Proceedings of the other in his Doctor of Divinity's Degree; which was serv'd on the Chancellor's Commissary sitting to give Degrees with the Proctors, on whom it was also executed; who notwithstanding proceeded in their Business, and about

A. D. 1467.

three Days after, sending for the Persons who assisted in the Service of this Inhibition, two of them were, by the Consent of the Congregation, committed to the Castle Prison as Disturbers of the Peace and Infringers of the University Privileges, and were by the Commissary suspended from the Office of General Proctors in his Court for a Season ; and *Morley*, who brought the Inhibition from the *Arches* to him, was imprison'd in *Bocardo*. Soon after this there arose another Controversy between the Proctors of the University and the Bailiffs of the City, occasion'd by the said Bailiffs setting at liberty an Offender, whom the Proctors had imprison'd, contrary to their Will ; and hereupon the Proctors, causing them to be summon'd into the Chancellor's Court, they were mulcted in the Sum of forty Pounds ; which Sum after much Struggle they paid ; and thus was the Peace of the Place restored.

—1468.

Now about this time King *Edward* the 4th very readily confirm'd and ratify'd all the Privileges granted to this University by his Predecessors, among which was the Cognizance of Causes in Suits relating to a Scholar on the one part, and also the Taxation of Scholars Houses, and the Oath of the four Aldermen and eight Burgeses, and some other Citizens ; and lastly the Charter of *Edward* the 3^d, granted to the Scholars immediately after the great Conflict with the Townsmen. He farther confirm'd the Composition made between the University and *Rich. d'Amory*, about the Jurisdiction of *North-Gate* Hundred ; and also the Charter of *Edward* the 3^d, touching the Market, and the Claim of Causes determinable within the University Precincts, whensoever the Chancellor shall think fit to demand the same : He also confirm'd

i Henry

Henry the 4th's Charter touching the Limits and Bounds of the University, and the Institution of a High Steward hereof, together with his Charter, remitting the five Pounds paid for the chief Right of the Market ; and concerning the Banishment of lewd Women, and the Removal of Disturbers of the publick Peace ten or twelve Miles from the University.

King *Edward* the 4th, this Year, founding A. D. 1469.
a Chauntry at *Windsor*, assign'd the same to two Priests, to be chosen out of each University ; who enjoy'd the same by an indisputable Right till the Year 1554, or 1568, when the Dean and Canons of *Windsor* rejected the Choice of this University, endeavouring to assume this Right to themselves ; but upon producing our Deeds, they were cast in their Pretensions : and King *Edward*, to evince his farther Affection to the Scholars here, by Letters signify'd to the University his Pleasure of taking on himself the Title of *Protector* of the University, which added no small Honour hereunto.

Passing by the Animosities between the Lawyers and Physicians in the Year 1470, which were not ended without Bloodshed ; and the Discord which arose between two of the Halls here in the Year 1477, wherein some were slain, and many wounded ; I will proceed to the Confirmation of our Charters by Pope *Sixtus* the 4th, who on the Request of the University, solicited by the Abbot of *Abingdon* going to *Rome* on the Affairs of his own Convent, transmitted a ratifying Bull to be read in the *Appendix* *, * P. xciv. whereby he confirm'd all the Papal Charters or Bulls, which having been granted unto us, and were either effaced by Age, revok'd by former Popes, or by any other Misfortune lost, particularly that remarkable Bull long since granted by
Pope

Pope *Boniface 8th*, and then rescinded by King *Richard the 2d*. And by this Confirmatory Bull of Pope *Sixtus*, the University had both Civil and Ecclesiastical Jurisdiction ratify'd unto it whereupon the Chancellor afterwards asserted an Apostolical Authority; and conducting himself by the Privileges granted in *Boniface's* Bull he set aside the Regal Power of visiting the University, till the Time of the Reformation, when all these Bulls were overthrown and destroy'd at once. There was also this Year another Bull granted unto us by the same Pope, in confirmation of that which was given by Pope *Innocent the 4th*, anno 1254. by which he pronounc'd the University free and exempt from Visitation and all foreign Jurisdiction whatsoever. And thus much of Papal Bulls for the present.

There being nought of any Importance for the Course of many Years ensuing, proper for the main Design of this Undertaking, but what I shall have occasion to remember elsewhere; I will not detain the Reader with the frequent Ravages of the Plague and other malignant Fevers about this time, and for thirty Years after; but proceed to treat of the Commotion or Insurrection at *Oxford*, occasion'd by certain Lawyers of *Peckwater Inn* and *Hinxey Hall*; who, rambling the Streets for the better part of the Night, at last came to *Brazen Hall*, and there insulted the Northern Proctor, committing many other Enormities; which Riot the Chancellor's Commissary, on due Enquiry thereinto, punish'd by imprisoning the Ring-leaders, sending some to the *Castle*, and others to *Bocardo*.

A. D. 1506.

But the Tumult arising here soon after was of far worse consequence, when the *Southern* and *Northern* Scholars with Arms fought it out

in High-street near St. Mary's Church, in a pitch Battle; in which Skirmish the Principal of Hart-Hall, then Fellow of Exeter College, was killed, with two others, and many wounded. About the same time there also happen'd another Contest between the Lawyers and Peasants of ~~Winton~~ holding Estates from ~~Revel~~ Abbey, which the Nobility and others so far resented, that they resolv'd to suppress and dispossess the University of all its Privileges; and truly they had accomplish'd the same, had not Archbishop ~~Walsley~~ strenuously defended our Cause, and prevail'd with the King not to suffer a Disfranchisement thereof.

The Northern Proctor dying the next Year, *A. D. 1507,* another Dispute (tho' of a gentler Nature) fell out between the Doctors and Masters about the Choice of a Successor; and at last, by the Consent of the Resident Doctors and Masters, one ~~Paul~~ the Senior Regent was chosen for this Office, till the first Day of Michaelmas Term next ensuing, when a Convocation might meet on ~~Paul's~~ quitting his Regency; it being a Doubt whether he could hold this Office after the End of his Regency; and tho' there were Statutes concerning the Chancellor's Death, yet they could find none touching a Proctor's Death: Whereupon the Archbishop, then our Chancellor, was consulted, together with the Bishop of London, who, on reading our Letters, return'd for answer, That there being no Statute in this Case, the same Respect ought to be had herein, as in the Choice of a Successor on the Chancellor's Death. And thus on the Rescript of these Men, the Doctors and Masters proceeded to the Choice of a new Proctor, whereon Bentley, a Fellow of New College, was elected Northern Proctor, which ended the Dispute.

Coming

A. D. 1508.

Coming now to the last Year of *Hen. 7th* Reign, I will conclude this Chapter with the same; at which time Learning was at so low an Ebb here, that the *Greek Tongue* was now of the last Contempt; and the Scholars addicting themselves to Sophisms, and other trivial Studies, were perfect Strangers to sound Erudition and so empty was the University of Gownsmen that our Halls and Inns became the Shops of Tradesmen, the only Persons making any Show of Letters being *Wickliff's Followers*; who did not presume to appear in the Schools, in Defence of their honest Opinions, thro' Fear of the Pope and his *Horse-Leaches*, ever sucking both Money and Blood from them, on Pretence of Heretical Pravity. But now I proceed to a better Scene of Knowledge, which I shall occasionally treat of in the ensuing Chapter.

C H A P. V.

Of the State of the University of Oxford, from the Beginning of Hen. 8th's Reign to the End of Queen Elizabeth's.

- 1509. **K**ING *Henry VIII.* after the Example of his noble Ancestors, coming to the Crown, at the Request of Arch-bishop *Warham*, Chancellor, Sir *Thomas Lovell*, High Steward; and Dr. *Fauntleroy*, Commissary of the University, not only confirm'd all its Charters of Privileges; but, as some say, encreas'd the same; among which he confirm'd that of *Edw. IV.* by a Diploma truly Royal; and exceeding all the Grants of his Progenitors; which was soon after lost, and not recover'd for some Years. At this Time the

the University being much troubled at the Loss of some *Papal Bulls*, privily stolen away, and of which it had been in Possession for time immemorial, pray'd the Chancellor to procure an Exemplification thereof from the Apostolick Chancery; and tho' it does not appear whether this was ever done, yet 'tis certain that we were soon after repossess'd of them; but on the Extirpation of the Papal Power, some immoderate Zealots against Popery committing them to the Flames, have depriv'd the World of an entire History of this University, which, in respect of the last Age, must be fill'd by many Chasms and Intercisions. The Scholars thus deploring the Loss and Diminution of their Privileges, were treated by the Townsmen very ill, by their infringing the most ancient and known Rights of the University, whereof they first complain'd to the Chancellor, for their Treasury was empty, and that it would cost them dear to renew their Privileges, and much more to increase them, wherefore they pray'd the Assistance of many principal Men, who had been heretofore Students herein, and were not now wanting, together with the Chancellor, in the Relief of our Necessity, or in the Defence of the Scholars, from the Injuries of the Townsmen. Whilst these Things were in Transaction, the City Bailiffs were, by the Chancellor's Commissary, suspended *ab ingressu Ecclesia*, for their Contumacy, in not appearing before him at a Day and Place legally assigned. And such, indeed, were the Insults of the Citizens, that the Convocation was forced to discommen the Mayor, for not superseding the Process of his Court against a Privileged Person on the Chancellor's Mandate. Nor was this the only Instance of the Townsmen's Rancour to our Privileges, in retaining

A. D. 1511.

1516.

taining the Cause of a privileged Person in their Court, for giving a mortal Wound to a Citizen; for they 1^{stly} interrupted the Chancellor in the Correction and Imprisonment of Delinquents. 2^{dly}, They refus'd to obey the Chancellor's Mandate for the impanelling of Juries. 3^{dly}, They impanell'd on a Jury two of the superior Beedles of the University, and other privileged Persons, anciently exempt from Juries. For these and the like Injuries were the Bailiffs impeach'd, but the University Magistrates considering with themselves how hard a Matter it would be to punish these Criminals according to their Demerits, for want of a Royal Charter in this behalf, forthwith complain'd hereof to Cardinal *Wolsey*, and other Patrons of Learning, and succeeded in their Wishes; for the Bailiffs were commanded now to appear before the Chancellor's Commissary, Proctors, and others, in *St. Mary's Church*, and on Examination openly and freely confessing the Crimes laid to their Charge, Sentence was straitways pronounc'd on them, *viz.* That each of them in *St. Martin's Church in Oxford*, should, in a standing Posture, hold in his Hand a Waxen Taper of a Pound Weight, from the Beginning of the Gospel to the End thereof, and then offer their Tapers up to *St. Martin*; and it was also enjoin'd them that they should, in the next general Procession of the University, walk before the Cross, from *St. Mary's Church* to the Place where the Cross was taken, and saying short Prayers, should each of them repeat the Psalter of the Blessed Virgin for the good Estate of the King and Kingdom. But the Citizens so far resent'd this Sentence, that they immediately applied to the King, in order to excuse the Bailiffs, and complain'd of some of the Scholars, for burning the late May-

*A Penance en-
join'd the Bai-
liffs of Ox-
ford.*

Ch. 5. of the University of OXFORD.

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or's House, and putting him in Fear and Danger of his Life, and for assaulting several Citizens; whereupon they pray'd the King to summon the Commissary, Proctors and others, to appear before him and his Council, and give an Account of the Wrongs by them inflicted on the Bailiffs; which the King had done, had not Cardinal *Wolsey* and others, by interposing herein, laid the whole Matter before him; which induc'd his Majesty to give the Bailiffs and other Burgesses soliciting this Affair at *London*, a disgraceful Repulse; so that the Bailiffs were forced to apply to the Chancellor of *Oxford*, for the Revocation of the Sentence pronounc'd against them; which he granted on the Condition of their returning to *Oxford*, and their acknowledging in publick their Offences, and deprecating the deserved Punishment thereof, which they did the first Day of the next Term, before the Commissary and Regent Masters: There was moreover to this Punishment added, viz. That each of them should pay four Pounds in Satisfaction of the Expence which the University had hereby sustain'd, and give Bond for the Payment thereof within 15 Days after the following *Easter*, under the respective Forfeiture of ten Pounds each.

Soon after the Townsmen finding Means to evade the Force of our Charters, through the Craft and Subtlety of the Lawyers, perverting their Sense on some light Frailties of Expression, oblig'd the University to apply to *Wolsey* for the Explanation, Augmentation, and Preservation of them; which he procur'd by that remarkable Charter bearing Date the first of *April*, 14th of *Hen. 8.* under the Great Seal of *England*, and subscrib'd, viz. *Per ipsum Regem, & de datâ prædictâ autoritate parlamenti.* About the Time we

we had these Disputes with the City, certain Scholars gave the University Trouble, among the chief of them was *John Morris*, Doctor of Canon Law, who was first imprison'd and expell'd afterwards the University, for perswading others to resist the Chancellor's Authority ; and from hence no small Difference arose thro' the Complaints which some of his Friends made to the King ; but by the Cardinal's Means, *Morris*, on his Return to *Oxford*, after a Years Banishment, was forced to acknowledge his Offence, and promise a future Submission to the Laws hereof ; and then in Virtue of the Royal Mandate, he was, by a solemn Congregation, restored to his former State among us.

A. D. 1517.

About the End of *Lent*, a Time remarkable for Seditions, (as has been already noted) a grievous Controversy arose between the *Benedictines* and *Cistercians* here, about some Philosophical Questions disputed in the Schools ; which from Arguments grew to Blows ; and the latter, overcame by the Enemy, were driven to their Halls ; but the *Benedictines* did not triumph with Impunity ; yet they were so far incens'd at the pecuniary Mulcts and other Pains inflicted on them, that, by the Persuasion of Alderman *Haines*, late Mayor of the City, whose House the Scholars had fir'd, they resolv'd to revenge their Wrongs, even by the Death of the Proctors : And meeting together at the said *Haines's* House, one Night, there waited the Time of the Proctors going their Rounds in the City, who, when they came to *Cairfax*, were assaulted by a Sally from the said House ; which, from the Clattering of Swords and crying out of some, caus'd many of the Citizens to rise from their Beds, for the keeping of the Peace ; otherwise they had perpetrated their Villany : but on the
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Intervention of the Burgesſes, the Ruſſians ran away and concealed themſelves that Night; yet on their Endeavours to eſcape the next Morning, three of them were ſeized, and with them the ſaid *Haines* imprifon'd. Not long after, in a Tumult, wherein ſome were mortally wounded, *Haines* was the Leader and incendiary, ſeeking all Occaſions of diſturb- ing the publick Peace of the Univerſity; wherefore he was for ever baniſh'd from hence; who yet, upon his Repentance, obtain'd Leave afterwards to return; but loſing his Authority with his Neighbours, and growing into daily Contempt, he left then the City of his own accord, and died poor: And his Son in law, *Biridal*, being before the Chancellor found guilty of this Sedition, ſuffer'd the like Punishment with his Father, and ſome others, whoſe Pains were afterwards remitted.

But yet the Townſmen would not permit the Scholars to enjoy any long Repoſe, diſturb- ing our Quiet by their Violations, and frequent Infringement of our Privileges, under a Conceit that we had loſt the Charter procur'd by *Wolſey*; whereupon they ſcrupl'd not to aſſault the Scholars with Arms in the publick Streets, as in particular ſome of *Broadgate* Hall, killing one and wounding many others, after a ſtout Reſiſtance of the Students; and on the Expulſion of one *Wem*, the Scholars, in the Night time aſſailing ſome of the Citizens, put them to flight; but on the King's Writ for an Enquiry hereinto, ſome of them were arreſted and committed to Goal. Whereupon the Univerſity, thinking it high time both to renew and enlarge their Charters, committed this Affair to the Management of Dr. *London*, then of New College, a Perſon well acquainted with their Privileges, and with the Diſputes between the Scholars and Townſmen, with a Pow-

er to let the Cardinal into a thorough Knowledge of these Controversies, who had lately sent Dr. *Longland* to the University for this End. At length, by the Advice and Means of the Bishops of *Callipoli* and *Lincoln*, the King granted a Charter according to the Wishes and Expectation of the University. For towards the Beginning of the Year 1523, the Cardinal obtain'd this Royal and ample Charter, which he transmitted by certain Delegates to *Oxford*; but the Promulgation thereof so sharpen'd the Townsmen's Resentments, that by a Remonstrance they openly refus'd Obedience thereunto; which being at length reported to the King, the Matter came to be publicly heard and discuss'd in the Privy Council; and nothing being determin'd hereon, the Townsmen were every where in Cabals, how to abrogate or (at least) to diminish the same; which the Scholars resenting, lodg'd their Complaints with the great Men, charging the Townsmen with the Infringment of several of their antient Privileges: But the Cardinal falling into Disgrace, and soon after into Ruin, this Charter lay dormant in the Exchequer, till the Year 1566, when the same was transmitted again hither for the due Observation of it.

A. D. 1521. The *Lutheran* Heresy (for such was it now stil'd almost every where) began to diffuse it self throughout the whole University, and to gather Strength so far, that *Wolsey* was forc'd to send hither for certain Scholars, to come from hence to *London*, for the refuting of these new Opinions; whereupon the University named and appointed certain Persons for the holding of a Convocation at the Cardinal's House in *London*, with other Learned Men, and Prelates of the Realm, for the Condemnation of *Luther's* Doctrine, as altogether repugnant to Christianity;

a Transcript of which Censure was afterwards sent to *Oxford*, and affix'd on the Sun-Dial of the South-side of *St. Mary's Church-yard*, and soon after *Luther's Books* were burnt here, and at *Cambridge*. And it is remarkable that this Schism (as it was called) was chiefly prolifick in *Cardinal-College*, on or from the Residence of some *Cambrigiens* here; among whom was *John Clark*, one of the junior Canons of this Society, whose private Lectures and Disputations our Scholars much frequented; and who, for his singular Learning and Piety, was in so great Value, that in all their Doubts he became their Oracle: Whereupon many of them were committed to Prison by the Commissary. But I hasten to the Year 1528. when a considerable Law-suit as well as other Disputes between the University and City, fell in with the more dismal Consequences of a malignant Plague or Sickneſs at this time, which Controversies having been for some while, now came to an open Rupture, upon the Townsmens Accusation of the Scholars on several Articles, but especially the Proctors, for Injuries done the Citizens in their Night-Watch. The University having enjoy'd the Right of keeping a *Court-Leet* in the *Guild-Hall* of the City, as well from ancient Custom, as from Royal Charter of Privilege, this Year determin'd to hold the same as usual; but upon a Process made out to the Bailiffs to impanel and summon a Jury of eighteen lawful Men for this purpose, the Bailiffs, emboldned with the Belief that the Charter lately procur'd by *Wolsey* was not ratify'd and confirm'd, refus'd to yield Obedience to the said Process: Whereupon they were cited to appear in the Chancellor's Court, on a certain Day, before the Chancellor's Commissary, to answer this Contempt; for which Neg-

left or Contempt, a Sentence was pronounc'd against them, viz. *That in Punishment thereof Edm. Irish should go to the Castle Prison, and Will. Clare the younger to Bocardo, and there remain during Pleasure.* But this Sentence was no Admonition to them; for within a Year or two afterwards, the Mayor order'd the *Guild-hall* Doors to be shut up against the Entrance of the Commissary, Proctors and others, thereinto: Whereupon the said Commissary summon'd *William Perry*, one of the Bailiffs, and the Mayor's Agent herein, to appear in the aforesaid Court, and not allowing of his Excuse, viz. the Mayor's Order, he decreed him excommunicated, as he also did *Richard Gunter*, the other Bailiff, and *Mich. Heath*, the Mayor, for their Disobedience, in not appearing on his Summons, the one being cited by an inferior Beadle, and the other by the superior Beadle in Divinity; which Ecclesiastical Censures were afterwards committed to Writing, and deliver'd to the Rector of *St. Ebb's Church*, to which *Heath* did belong, to be read and publish'd either by him or his Curate, on the next *Saturday* following, in the said Church: But upon their Submission to the Laws and Customs of the University, and taking an Oath to obey them, and the Laws of the Church, they were afterwards absolved from their Excommunication by the Commissary, in the Conventual Church of the *Carmelites*; and hereupon were the University and City again reconciled to Peace.

A. D. 1532.

Yet about two Years after, the same was broken again; for that Peace and Tranquillity was too great a Happiness for us to enjoy long, from the turbulent and factious Spirit then raging here among us, upon the Account of several Liberties and Privileges disputed by each Body. Upon a
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Report of these Differences made to K. Hen. 8. he commanded both the University and City to surrender and deliver up into his Hands all their Rights and Charters of Privileges. In a Convocation, therefore, of the University, held on the 3d of Jan. this Year, for the said end, it was decreed by the Consent of the greater part of the Regents and Non-Regents thereof, that there should be two Instruments or Deeds of this their Surrender sealed; and by Virtue of the one, all Privileges, as well *Royal* as *Episcopal*, should be surrendred as aforesaid; and in the other, only such as were *Royal*; and only the latter (if possible) should be surrendred, leaving those Privileges behind them which were granted by *Popes* and *Bishops*; but changing our purpose, we afterwards submitted our *Papal* and *Episcopal*, as well our *Royal* Grants to the King, by this Resignation of them. And the City, about the same time, transmitted the greatest part of their *Diplomas* (tho' not all, as they have since complain'd) to the King, together with a Bond, whereby they oblig'd themselves to abide and stand to his Majesty's Judgment and Determination. Whatsoever Offices, &c. became vacant in the University Disposal the King filled up and gave away; in the intermediate Space of Time; and after he had weigh'd and consider'd well the Complaints made on each side, he ratified and confirm'd all the ancient Privileges of the University, commanding all Subjects, especially the Mayor and Citizens of *Oxford*, in no wise to infringe or violate any of them: And soon after were confirm'd also the Liberties of the City, tho' not according to the Expectations of the Citizens, for that new Disputes and Variances immediately arose between the two Bodies or Corporations. But this Charter of the Uni-

versity was for many Reasons afterwards revok'd, and not restor'd until the Year 1543. as it has been already observed.

On the sixth of *December* the ensuing Year, there were here discommon'd. by a Sentence of the Convocation, the Mayor, two Aldermen, and twenty other Burgesses, whose Names and Crimes I rather chuse to forget than remember in this Place, as too tedious to the Reader ; and shall therefore advance to treat of the Methods now used by the King, in disannulling the *Papal* Power here among us. For no sooner had he gain'd the Title of *Supreme Head of the Church of England*, next under God : but that the Clergy also, in Convocation assembled, avowed on the *Word of Priests*, that no Synods could be held without his Summons, and no Synodical or Provincial Constitution could be made or executed without the Royal Assent and Confirmation thereof, under the great Seal of *England* ; which Declaration and Resolution was now sent by them to the Parliament, for a firmer Ratification, which gave this Statute the Name of *The Submission Act of the Clergy*. And as this University had before, in the Year 1531. given a Decision on the Point of the King's Divorce, so was it now, on the King's Request to deliver its Opinion touching his Supremacy ; which, on due Consideration, was unanimously consented unto by 30 Doctors, and Batchelors in Divinity, delegated by the Convocation for the Solution of the following Question, *viz. Whether God had from holy Writ conferr'd a greater Power on the Bishop of Rome within the Realm of England, than on any other foreign Bishop whomsoever ?* which Determination was transmitted to the King, under the publick Seal of the University, much to his Majesty's Satisfaction. Then was the single
Opi-

Opinion of every Person living in any College or Hall, demanded, by individually interrogating him, *Whether he would renounce the Pope's Supremacy?* which, though many Scholars scrupled not to do, by an Instrument subscribed by them, promising only to mention him as Bishop of *Rome*, in their publick and private Discourses; yet some rather chose to lose their Fellowships, and other Dependencies, in these Colleges and Halls, than comply herewith; And in a solemn Visitation of the University, held the next Year, the Students in Abhorrence to Popery pull'd down all the Inn-keepers Signs, representing the Effigies of any Pope, and broke all such Paintings in Windows, rasing the Word *Pope* out of all their Mass Books.

It is not doubted but they might have been, now easily perswaded to have shaken off the grosser Superstitions and Doctrines of the *Romish Church*, had not the King, by a Commission of Surveyors for the making a new Valuation-book of all Church and College Estates, then alarm'd their Fears, and given them uneasy Thoughts about preserving their Lands, which they believed the King had a longing Desire for.

About the latter End of this Year were reviv'd the ancient Bickerings between the Lawyers and Physicians about Precedency, but were soon dropt thro' want of Leisure to prosecute such light Disputes.

The King still in Possession of our Liberties and Privileges, this Year visited the University by Commissioners; who, in their Visitation of *Magdalen College*, added a *Greek Lecture* to the four therein already settled, viz. one in *Divinity*, two in *Philosophy*, and a fourth in the *Latin Tongue*. In *New College* and *All Souls* respectively, they establish'd a Lecture in the *Greek*

Language, and another in the *Latin*, with proper Stipends for the Lecturers. These two Lectures were settled by the Founder of *Corpus Christi* himself. In *Queens College* and *Merton*, they only appointed one of these Lectures in each College, with a liberal Stipend thereunto annexed. And because the other Colleges, thro' the Meanness of their Revenues, were unable to endow a Lecture, they oblig'd some Person to read therein, and order'd all the Scholars to attend him, under Pain of losing one Days Commons for their Absence *toties quoties*, without a Cause be approv'd by the College, whereof such Person was a Member. But many Students foreseeing the Ruin of Church Preferments, with small Learning applied themselves to the Art of Physick; whereupon it was decreed, that no Person should practise the same without the previous Examination of the publick Professor herein, whereby his Proficiency in this Faculty might well appear; and this Decree of the Visitors the King forthwith confirm'd, empowering this Professor and his Successors to enquire into the Qualifications of every such Presumer; and this Unskilfulness and Multitude of Practitioners, gave Rise to the College of Physicians in *London*: And so little Countenance was there now given to the Scholars, represented by the Monks and Fryars to the King, and other Patrons of Learning, as Persons of dissolute Lives and Manners; that few of them took any Degrees, the Bishops and other great Men, withdrawing their Exhibitions and yearly Pensions from them: yet the King, to support the Discipline and Government of the University, caus'd certain Ordinances to be made about the Choice of Proctors, who, thro' the Paucity of Scholars, and other Troubles in the University, had been, for the most part, chosen

chosen to this Office out of the junior Masters, ordaining, that no Person should be for the future elected hereunto, until he had compleated eight Years from his Inceptorship: And to prevent all Disputes in such Elections, he order'd these Proctors to be chosen by the Chancellor or his Commissary, and also by all Doctors unmarried, and Heads of Houses commorant in the University, until he should provide a Statute to the contrary; with a Command to the Proctors thus elected, to swear, that they will be present at all Lectures and Disputations, and omit nought appertaining to the prudent Administration of the Schools.

The King, moreover, in regard of the *Latin* Tongue now growing into Disuse, commanded certain Sermons to be preached in *Latin*, according to the ancient Statutes and Customs of the University: And so far did the Royal Affection extend it self, that the King, at this time restor'd unto the University all Charters of Liberties and Privileges lodg'd in his Hands for many Years, which he ratified and confirm'd, and requir'd all his Subjects to observe the same. And this he did on the Commissary's entring into a Recognizance of a Thousand Pounds, not to assume or claim any Privilege granted unto the University by *Walsley's* Charter, which, notwithstanding was afterwards confirm'd by Parliament in Queen *Elizabeth's* Reign. It ought to be further observ'd, that tho' the King revoked the Force of all Charters or Bulls granted unto us by Popes, being willing to extirpate all Papal Power from the University, as well as from other Parts of the Realm, yet he ratified all the Rights and Privileges from thence accruing to the University, and establish'd them to the Students by virtue of his own Royal Authority,

A. D. 1543.

thority, calling them the ancient Rights of the University.

A. D. 1546.

Approaching now the End of K. *Hen. VIII's* Reign, who was undoubtedly the most munificent Patron of Learning among all our Princes, I will consider a little the chief Reasons urg'd for the Eclipse thereof happening about this Time, and continuing to darken the Face of this bright Luminary till towards the middle of Queen *Elizabeth's* Administration. For besides the sudden Fall of the great Cardinal *Wolsey*, who spared no Costs or Pains to advance good Letters to the Summit of Perfection; and the frequent Sickneses happening here no less than twelve Times in this King's Reign, it may be an Observation, that the Dissolution of Monasteries contributed not a little to this State of Ignorance, which, by voluntary Contributions, and large Exhibitions, were wont to maintain many Students; nay, so far was this King himself abus'd by his rapacious Courtiers, that they pouch'd the very Stipends, which he had so liberally settled on his Lecturers here and at *Cambridge*: But even in this obscure State there did appear some Stars or Glimmerings of Learning, in *Grocyn, Linacre, Latimer, Tunstall, Lily* and *Colin*; for by the Care of Bishop *Fox* and *Wolsey*, our Scholars had made a pretty good Progress in the *Greek* Tongue; and it must be confess'd, for the Honour of the Reformed Religion, that the most celebrated Men for Learning were Promoters of it.

1547.

As to the turbulent Reign of King *Edw. VI.* over which I had rather draw a Veil than remember it in this Place, there happen'd nothing here more remarkable than his sending Delegates to reform the University in point of Religion; for King *Hen. 8th* had only broken the Ice,

ice, and prepar'd Matters for a more thorough Change therein, leaving the Consummation of his Design to his Son; who in his Minority was so much deceiv'd by his Ministry, that tho' they procur'd much Good to themselves, by the suppressing Religious Houses, yet they acquir'd little to the Reformation it self, through the Haveck they made in the Distribution of Church Lands. Some Collegiate Chauntries were indeed given to the Support and Maintainance of poor Scholars, yet some of the Patronages of them belonging to Colleges were dispos'd of to other Uses; and the Number of Colleges here themselves were once in Danger of being reduc'd by these Delegates, and their Estates united, for the better Provision of Students; yet upon Consideration hereof, they thought it more advisable to suffer the Continuance of them in their former State and Condition. On the Visitation of the Colleges, there appear'd many strenuous Impugn'ers of the Protestant Religion, which was now publickly establish'd in England, and the Mass abolished, for which Reason they were excluded from thence, as from *New College, Christ-Church,* and *Merton*, tho' in the last of these Houses the greatest part of the Fellows and Scholars embrac'd the Protestant Religion, following the Example of Dr. Cox, Dean of *Christ-Church*; and one of the Visitors in this Commission of Delegates. In this Visitation the Form of Government in the University was much alter'd, by a Body of new Statutes made by the Visitors, and called *Statuta Edwardina*, or King *Edward's* Statutes, which retain'd their Force and Vigour, till the present Body of Statutes, filed *Law's* Statutes, were enacted and confirm'd. At this time a prodigious Number of Books treating of School Divinity,

Divinity, were condemn'd and burnt by the Order of the Visitors, as being the principal Occasion of so much Darknes in Religion, many of which belong'd to private Colleges, as well as the publick Library; the Books of *Civil* and *Canon* Law were set a-side, to be devoured by Worms, as favouring too much of Popery, and in this Ravage of Learning were all the Papal Grants seiz'd and taken from us, with several other Muniments relating to the University; which so far erected the Minds of the Citizens, that they scrupl'd not now to insult the Scholars with all manner of Provocations and Injuries; and truly if it had not been protected by the Means of *Goodrick* Bishop of *Ely*, and *Car*, then our Chancellor, the University had peradventure at this Time been made subject to the superior Government of the City, on the Complaint of one *Furman*, a Burgess thereof, whose House the Proctors had often entred on their Night-Watch, he being hereunto encouraged by the Authority and Advice of the Mayor and other City Magistrates: for the Bishop of *Ely* being Lord High Chancellor of *England* at this time, by Letters to the Townsmen, on hearing the Merits of the Complainant's Cause, signified to them the Proctors Right of *Watch* and *Ward*, by a Grant of *Hen. 4.*

A. D. 1553.

Yet notwithstanding all this Care of King *Edward's* Delegates, to extirpate the Popish Superstitions here, no sooner was *Q. Mary* ascended the Throne, but she restor'd the same by the cruel Tyranny of her Power, and the Encouragement she bestow'd on many of the Scholars, who were ready enough for a Relapse to the Church of *Rome*, by their losing the Aid and Assistance of the Monasteries. To this End, as a kind nursing Mother of good Letters, she gave to the University

University several Rectories, viz. the Rectory of *Southpetherwyn* in *Cornwall*, of *Seyston* in *Leicestershire*, and of *Holmcultram*, with the Chapel of *Newton Arlock* in *Cumberland*, the first of which belonging to the Priory of *Olvescroft*, and the third to the Abbey of *Holmcultram*: And as a farther Reward of the Industry of her Loyal and Dutiful *Oxonians*, it was once in the Queen's Thoughts to hold a Parliament here, about the Time that the Protestant *Crommer* was remov'd from the Tower of *London*, to give an Account of his Actions in *Edward* the 6th's Reign, before the Queen and Parliament: where, upon Examination into his Opinions, which he defended with great Strength of Argument (especially that touching the Holy Communion or Eucharist) he was by the Scholars pronounc'd guilty of Heresy, and his Books condemn'd; at length himself burnt here at *Oxford* before *Balio College*, where *Ridley* and *Latimer* had suffer'd before on the like Occasion. And for the better facilitating the Queen's Resolution of re-establishing the *Romish* Idolatry in the University, *Steph. Gardiner*, Bishop of *Winton*, a Person of a large Ambition, and a ready Compliance with her Majesty in every thing, this Year sent Delegates or Commissaries to visit all the Colleges in *Oxford* subject to him as a local Visitor; who by virtue of a full Commission to eject all Persons from thence, refusing to conform themselves to the *Popish* Tenets, remov'd some out of *New College*, many others leaving the same of their own accord; and afterwards proceeding to the Visitation of *Magdalen College*, they expell'd fourteen of the Fellows; but they permitted the President to resign, who rather chose to quit the best Headship then in the University, than pollute his Conscience

Silence with the Stains of a sinful Conformity.
 The Queen this Year, for the Advancement
 of Learning, confirm'd the antient as well as
 modern Privileges of the University; and be-
 cause the Bailiffs of the City had the foregoing
 Year, either through a Desire of seizing Felons
 Goods, or (at least) of acquiring the Cognizance
 of University Causes, deny'd Entrance to our
 High Steward, in the Case of one *Anth. Garnet*,
 A.M. of *Baliol College*, suspected of Felony, by
 shutting up the Doors of the *Guild-Hall* against
 him; a Decree was now made in the *Star-*
Chamber by the Lords of the Council, that the
 Chancellor and Masters of *Oxford* should have
 free Ingress into the said Hall for the Holding
 their accustom'd Court-Leet there, under the
 Pain of 200 l. to be inflicted on every Citizen
 contravening the same. But as King *Henry* the
 8th had by his Charter commanded that no Vic-
 tuals should be taken by the Royal Purveyors
 within twenty Miles, unless the King himself
 came thither, it was now by Parliament re-
 strained to five Miles about *Oxford*, which this
 Year labour'd under such a Scarcity of Provi-
 sions, that some entire Colleges were forc'd to
 disperse into the Country. Nor was the Rage
 and Fury of these Times only exercis'd on the
 Living; for the Bones of *Peter Martyr's* Wife,
 who dy'd at *Oxford* after her Husband was
 driven from thence on the score of Religion,
 were now taken out of her Grave, and ignomi-
 niously bury'd in a Dunghill. But to purge the
 University of all Hereticks, as they were
 term'd, Cardinal *Pool*, by virtue of his *Legatine*
 Power, nam'd certain Delegates to visit the
 same, with an Authority to receive into the
 Church again all such Apostates as repented of
 their Heresy, and desir'd Absolution. On the

20th of July, or thenabouts, these Delegates preparing themselves for this solemn Visitation, went to St. Mary's Church, and after they had read their Commission, and taken their Places accordingly, they began by way of Interrogatories to enquire into the State of the Colleges, and the Students living therein; for the Queen had before summon'd certain Persons out of every College to appear that Day, and receive the said Interrogatories, hereby aiming not only to restore the *Romish* Religion, but also the Discipline of the University, to its antient Splendor. These Interrogatories consisted of about 30 in Number, chiefly relating to what was done in King Edward the 6th's Days, by the Commissary, Proctors, Heads of Houses, &c. which because they are long, I will only give the Reader the two first of them, viz. 1st, *Whether the Foundations, Statutes, and laudable Customs of the University, and of every College and Hall therein, be observ'd by all those whom these Things concern? And if they shall answer negatively, let them express in special what Things are not observ'd, and for what Reason.* 2dly, *Whether in the Time of Schism there was any thing ordain'd, or introduc'd by Usage, contrary to Canonical Institutions, and antient Foundations; or derogatory to Statutes, Privileges and Customs; and if they shall answer affirmatively, let them express in particular, what Things have been introduc'd, and for what Reason, &c.* In short, these Visitors ejected all the Persons impugning the *Romish* Religion, and burnt all the *English* Bibles, with the Commentaries thereon in the same Language, in the middle of the Market-place, and either mulcted the Possessors of them, or banish'd them the University. Upon *Mason's* resigning the Chancellorship, Cardinal *Pool* was again elected, who to supply the

the Defect of our Statutes, and to reduce them to the Model of Popery, committed this Affair to the Management of certain Delegates by him chosen out of each Faculty, viz. four Philosophers or Artists, five Civilians, two Canonists, and four Divines; and ordered, that the antient Statutes abrogated in *Edward* the 6th's Time, should retain their Force, until this new Body of Statutes were compiled; which was afterwards effected, and confirm'd by the Authority of the Convocation, and promulgated to be strictly and religiously observ'd by all Students. These were a very severe Body of Laws against all Persons inclining to the Reformation, whereby they were wholly excluded the University: And such was the State thereof during this Queen's Reign. But no sooner was Queen *Elizabeth* come to the Crown by a Right of Inheritance, but there appear'd a new Scene of Affairs here, which open'd much to the Joy and Satisfaction of the *Protestants*; yet so vain was the Confidence of the *Papists*, hoping to have their Religion confirm'd to their Posterity, that in some Colleges they animadverted on the Scholars shewing any Affection to change, with more than usual Liberty: But these in no wise forgetting their Injuries in Queen *Mary's* Days, began to despise the *Romanists*, and to insult them with all the Indignities of Scorn and Contempt imaginable; whereupon many of them exercised with various Cares, and at length sadned with some Diffidences of the Queen's Affection to them, withdrew themselves from *Oxford*, resolving to live in Obscurity, until it was evident what Measures her Majesty would take with them. *Tresham*, on the Death of Cardinal *Paul*, who died on the same Day with Queen *Mary*, becoming *Cancellarius natus* (that he might

might not be wanting in Duty) called a Convocation to deliberate about a Congratulatory Address to her Majesty, according to Custom; which was readily agreed unto, and in Writing approved of, and then sent to *London* by the said Chancellor, attended with several Heads of Colleges, &c. and presented to the Queen, who gave large Assurances of her Royal Inclinations to Learning, and especially to this University; which she evinced the following Year in Parliament, by an Act remitting to the Universities of *Oxford* and *Cambridge* the Payment of First Fruits and Tenth for ever; and soon after in the same manner exempting them from the Subsidies of Tenth and Fifteenths of all their Temporalities or Lay Fees. The Queen intending the Year after her Inauguration to see this University, was hasten'd hereunto by Letters which she received from the Heads of Houses, touching the ill Treatment of the *Protestants* here by the *Papists*; whereupon she wrote back to the University-Magistrates, commanding them better Usage for the future on all publick and private Occasions, and likewise forbidding these Magistrates, &c. to proceed to the Election of any Governour, Fellow, Scholar, or any other Student among us, to any Office; and moreover prohibiting all Alienations and Exchanges of Lands, Possessions, &c. such only excepted as are for the necessary Improvement of their Estates, till such time as a solemn Visitation should be held therein, as she intended, and was executed a few Months afterwards by a Delegation of certain Persons fit for this Purpose; who had it in command from her Majesty to treat all Persons with the utmost Humanity and Gentleness, but to eject all Persons not renouncing the Popish Doctrines and Superstitions,

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with

with a Power given unto these Visitors, of conferring all Academical Offices as they should conceive expedient, and of recalling all such Persons as had been banish'd on the Score of Religion, and of re-establishing King *Edward's* Statutes. The Earl of *Arundel* voluntarily quitted the Chancellorship upon some Resentment occasion'd by some Proceedings of the Visitors ; to whom Dr. *Marshal* Dean of *Christ Church* not submitting, was carried from hence to *London*, and there imprison'd. Among those who were depriv'd for not taking the Oath of Supremacy, were Dr. *Tresham* Canon of *Christ-Church*, Dr. *Richard Smith*, Canon of the same House, who going to *Doway*, was made Dean of *St. Peter's Church* there ; Dr. *Tho. Reynolds*, Warden of *Merton*, depriv'd by the Queen herself at *Hampton Court* ; Dr. *Coveney*, President of *Magdalene College*, was remov'd, for that he was not in Orders, and had treated some of the Fellows with much Asperity ; Dr. *William Choadsey*, President of *Corpus Christi*, and Canon of *Christ Church* ; Dr. *William Wright*, Master of *Baliol* ; *John Smith*, Provost of *Oriel* ; *Hugh Hodgson*, Provost of *Queens College* ; *Henry Henshaw*, Rector of *Lincoln*, resign'd his Headship by the Permission of the Visitors ; *Tho. Slythurst*, President of *Trinity College*, was expelled for the above-said Reason, with many others too numerous to recount in this Place ; and therefore I will give them Room elsewhere. But notwithstanding all the provident Care employ'd by this wise Princess to reform the University in point of Discipline as well as Religion, it was not sufficient to quiet the Minds of the disaffected Scholars, many whereof wou'd have return'd to the Church of *Rome*, on the account of the great Wealth and immense Power which the

Clergy

Clergy gain'd thereby, cou'd they have been assur'd of a Popish Successor, whom they aim'd at very much in the Person of *Mary* Queen of the *Scots* : yet such was the Countenance, which her Majesty's Presence here at *Oxford* gave to *A. D. 1566.* Learning, by her attending all publick Exercises of the Schools for a Week together, and her preferring Men both in Church and State, of the most shining Merit ; that it afterwards produc'd in the University Persons of the most exalted Knowledge of any we read in *English* Story. She was extreemly delighted with the Pleasantness of the Place, the Beauty of the Colleges, the Magnificence of her Entertainment ; and lastly, with that Plenty and Variety of good Literature, which every Day increased more and more : and as she was in the Day-time pleas'd with Scholastick Exercises, so was she diverted at Night with Tragedies and Comedies acted by Scholars ; for which her Majesty with much Sweetness return'd them her Thanks in a *Latin* Oration ; and, with a Promise, that she wou'd be always ready to promote and encourage them, she took of them and the Place a most gracious Farewell.

This Royal Visit is ascrib'd to *Robert Dudley* Earl of *Leicester*, and Chancellor of this University, who in the Time of his being a Student here, had observ'd the great Corruptions crept into its Discipline and Government : wherefore he resolv'd upon a Reformation of these Things as soon as he came to his Chancellorship ; and to this End he invited the Queen hither, to command what he shou'd give in Advice to her, touching the State thereof. He almost changed the whole Government of the University in some Things for the better ; but it was generally then thought in many things for the worse ;

for the last Year he abolish'd the antient Form of chusing the Proctors, which Election was frequently made under the Form of chusing *per Instantes*, to be shewn in another Place. He often named the Commissary or Vice-Chancellor without consulting the Convocation, which formerly seldom happen'd; and he was the first that appointed the *Hebdomadal* Meeting of the Vice-Chancellor, Proctors and Heads of Houses, for the consulting about all Matters, which shou'd afterwards be brought before the Convocation, by antiquating the *Black Congregation*, (which was succeeded by this Weekly Meeting) in which all Matters were communicated by the Proctors, before they were transacted in a solemn Convocation. He moreover decreed, that all Affairs of greater Importance should be dispatch'd and expedited by a private Scrutiny, and not by publick Suffrages, as before. And so great a Friend to Learning was this Chancellor, that from an ardent Desire of promoting the Study of Languages here, he recommended to the Convocation one *John Druce*, a *Flemming* by Nation (banish'd his Country on the score of Religion) for instructing the Scholars in the *Syriack* Tongue, and that they wou'd assign him a Stipend and a School for this End; whereunto the Convocation agreed, and allow'd him a Pension of 20 Marks, to be ratably collected every Year out of all the Colleges; and as a Respect to the Man, by a Statute, he was made a publick Professor of the University; and had a Chamber by Compliment given unto him by the Fellows of *Merton College*.

A. D. 1574.

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The Chancellor, in the Year 1584, by a Letter sent at the Queen's Instance to the University, commanded that no Person should be admitted to any Degree, without performing the statu-

statutable Exercise for the same, upon a Report made to her Majesty, that Degrees were taken here by the Method of Dispensations, without any Regard had to Learning or Merit; wherefore he commanded them, both in his own and the Queen's Name, to see that all Persons who-soever, did their Exercise for the same; and that they staid their proper Time, before they presum'd to take any Batchelor's Degree in Divinity, Law or Physick, or any other Faculty what-soever, or sue for any Doctor's Degree, without reading their Cursory Lectures; except the Sons of Kings and Noblemen, having a Voice in the Upper House of Parliament; nor shou'd any Dispensations be granted for the Doing of Exercise after the taking of such Degree; which by giving of Bonds, and then forfeiting the Conditions thereof, have suffer'd such infamous Block-heads to pass to their Degrees, as cou'd never have otherwise been conceiv'd to have had the least Part of an University Education. *Hinc ille lachryma, &c.*

Frequent Visits was *Dudley* wont to make hither, not only for reforming the Statutes and Laws of the University, but to be sometimes present at the Scholastick Disputations and other Exercises, to make a Report thereof to his beloved Mistress, and to encourage the same by such laudable Acts of Respect; who coming to *Oxford* about the middle of *August*, 1588. gave way to Fate soon after at *Cornbury* in *Oxfordshire*, and was succeeded in the Office of Chancellor of this University by Sir *Christopher Hatton*, Lord High Chancellor of *England*. Yet notwithstanding what has been said of the Earl's Conduct and Government of this celebrated Mart or Staple of Learning, it must be acknowledg'd, that some Dissensions and Immoralities were rather owing

to the Chancellor's Tyranny and Indiscretion in Point of Government, than to the License of the Times.

A. D. 1589.

Whatsoever the Earl of *Leicester* had been defective in, about reforming the University, was this Year in some measure accomplish'd by his Successor, who took care, that all Persons to be admitted to any Degree, should first give an account of their Faith, which thing had been hitherto much neglected by his Predecessor, and was complain'd of by the Bishop of *Hereford*, finding many Heterodox Divines living in his Diocess. He not only detected many *Romanists* lurking in the Neighbourhood of *Oxford*, and seducing the younger Students to go to foreign Universities, but also restrain'd the Scholars Excess in Apparel, chastising all other Vices in them. He moreover restor'd the Preaching of Sermons on Sundays and Holidays, which had been disus'd for a long time during Vacations here, on the account of the Paucity of Divines, with a Design not only of eradicating Popery, but also with a View of accustoming young Divines to the Way and Method of Preaching. About the same Time a Statute was made to oblige the *Canons* of *Christ-Church* to preach on Sundays in Term Time in their own Persons, and not by a Deputy, unless they gave a Reason for so doing, to be approv'd by the Vice-chancellor: and another Statute was enacted, compelling all Candidates for Degrees and matriculated Persons, to subscribe the Articles of Religion according to antient Custom intermitted long since. He also took care to revive the Course of Disputations *pro termino* in Divinity, Law, and Physick, called the *stated* or *ordinary* Disputations, ordaining Penalties to be inflicted on all such as omitted the same: And finally so
careful

careful was *Hatton* of the Honour and Advantage of the University, that had he liv'd longer, he would have left no Discipline for his Successor to have amended. But,

The Lord *Buckhurst* coming to the Government of the University on the Death of *Hatton*, (by a contested Election between him and the Earl of *Essex*) thought himself oblig'd, and truly with great Industry endeavour'd to correct whatever had escap'd the Knowledge of his Predecessor; during his short Chancellorship : And for this End invited her Majesty again this Year to *Oxford*, as the Earl of *Leicester* had done before ; who was met according to Custom on the utmost Bounds of the University, by the Vice-chancellor, Proctors, Heads of Houses, and several Masters deputed for this End, in their Scarlets, and other proper Habits, and there received by them with the Compliment of a solemn Speech in *Latin*, to which she made a gracious Answer in the same Language : And on the Confines of *St. Giles's* Parish, her Majesty was received by the Mayor, Aldermen and Burgeesses, in the like manner, and complimented in a Speech from the Recorder ; and as she had been before presented by the University, so was she now by the City, with a gilt Silver Cup, and sixty Angels of Money in it. On her Entrance into the City, she was welcom'd with the Shouts and Acclamations of the People, the Streets from the *North Gate* being adorn'd on each Side with Scholars as far as *Christ-Church*, who saluted her Majesty in her Passage through them with Speeches and Verses, and being address'd at *Cairfax* in a *Greek Oration* by the Professor of that Language, she made an elegant Answer of Thanks thereunto in the same Tongue ; and in *Christ-Church* Quadrangle she was entertain'd at her getting

out of the Coach by a Speech from the University Orator, and during the Time of her Continuance here, she attended the Exercise of the Schools in the Day, and had the Diversion of Plays acted in *Christ-Church* College Hall at Night Time by the Students.

The University indeed received many Marks of Friendship from him, by his great Diligence in banishing from hence all Jesuits, Seminary Priests, and other Popish Recusants; and with Injunctions he so wisely modell'd the Discipline of the Scholars, that in his Time Learning, Piety, and good Manners, seem'd to have taken their Residence here, as in the very Heart of the Kingdom.

As there happen'd a Dispute between the University and City, in the Year 1574. upon the Bailiffs shutting the Doors of the *Guild-Hall*, against the Vice-Chancellor, Proctors, &c. on their Attempt to keep a Court-Leet therein; which was concluded by the Queen's Privy Council in favour of the University, so there also arose a Controversy in the Year 1583. between the University and the Sheriff of the County of *Oxon.* about the Execution of certain Privileges enjoy'd by the Scholars; but the same was soon accommodated to the Satisfaction of the University, which had enjoy'd a pretty good Repose during the Decline of this Reign.

C H A P. VI.

A further Continuance of the Troubles of the University to the present Times, &c.

ON the Death of *Q. Elizabeth*, whom the U- *A. D. 1603,*
 niversity of *Oxford* immediately enroll'd
 among the Number of its Benefactors, *H. James*
 the first succeeded to the Crown of *England*,
 at a Time when the Plague rag'd most fatally
 at *London*, and in *July* following came to *Ox-*
ford, where, thro' the Endeavours of some ill
 disposed Persons for Lucre sake, it diffus'd its
 Venom thro' the University and City, inso-
 much as *Mich. Term* was put off to the 2d of *Novem-*
ber, and by other Adjournments to the 5th of
December; but the Sickneſs continuing till *Fe-*
bruary, few of the Masters then appear'd: And
 such was the Face of Affairs here, that nought
 but Lamentation was seen for some Time, ma-
 ny of the Townſmen being reduc'd by the Scho-
 lars Abſence to a ſtarving Condition, on the
 Conſumption of the Charity Money given by
 the University, when the Colleges were diſſol-
 ved by the Students going into the Country.
 Thoſe who ſtaid behind conſtantly kept their
 Gates ſhut, as the Citizens did their Shops and
 Houſes, and not a living Creature beſides Nur-
 ſes and Corps-bearers were ſeen in the Streets,
 which were cover'd with Graſs even in the Mar-
 ket-Place. And after ſome Intermiſſion of this
 Diſtemper, it broke out again *an. 1605*, on the
 King's leaving *Oxford*, from ſome late Remains
 thereof, and was ſo furious, that many of the
 Sick were carried to Peſt Houſes in *Port Mead*,
&c.

As there had formerly been many Contests between the Lawyers and Physicians about Precedency, the *Civilians* now had much ado to preserve the Continuance of their Profession in the Realm ; and on their frequent Complaints hereof to the University for its Aid and Assistance in this Matter, the Vice-Chancellor in a full Convocation signified the dangerous Consequence of losing this Study, to the Doctors and Masters, by adding, that if one of the four principal Pillars, whereon this University was founded, should be taken away, the whole Fabrick thereof must in time necessarily fall to Ruin. And after Dr. *Martin* of *New College* had in a Speech shew'd what Mischief would accrue to the Nation by the Extirpation thereof, it was unanimously agreed to implore the Assistance of the Chancellor, and the Earl of *Devonshire*, (then a Court-Minion) in this Affair ; and on Letters transmitted by the University to these great Men, all our Fears vanish'd, and the destructive Councils of our malevolent Enemies came to nothing ; yea, the Study of the Civil Law was instantly refreshed and strengthen'd with new Encouragements from Royal Charters under the Great Seal of *England*, empowering the Universities of *Oxford* and *Cambridge*, to chuse and send up each of them two Persons to sit and represent them in Parliament ; by which Charters we are admonished to elect such Persons as are skilful in the *Imperial* Laws ; but how far we have departed from this wholesom Institution, let the World judge. And altho' this was a sufficient Indication of the King's Love and Affection towards us ; yet some will have it that it has since rather prov'd of Damage to us, than of any Profit and Advantage, forasmuch as heretofore all Members of Parliament being the Sons
of

of either University, thought themselves in Duty bound to take Care of their Nursing Mother's Concerns ; but now thinking themselves hereby discharg'd from such Duty, they lay the whole Burthen thereof on the Shoulders of their Representatives ; and how well these have acquitted themselves in this Trust, we may learn from the frequent Loss of Privileges in Parliament, either thro' their Neglect, Interest, or Want of sufficient Knowledge in our Customs and Charters ; especially if the Keeper of the Archives be a Stranger thereunto himself, as it may happen.

Passing by the Visit which the King was pleas'd to make the University this Year, being here complimented in the like Manner as his Predecessor had lately been by the Scholars (whose Number was at this Time 2254) I will proceed to give an Account of the Disagreement between the University and City, on the Score of *Watch* and *Ward*, a distinct Privilege claim'd by the former, and disputed by the latter, thro' the Townsmen's Choice of two seditious Bailiffs, who gave the University much Trouble by their Noctivagations, under the Pretence of Searching for Felons Goods and Seizing them, but with a real Design only of infringing our Rights. Whereupon the Vice-Chancellor, in Resentment of this Behaviour, summon'd both the Bailiffs, viz. *Smith* and *Paynter*, to appear before him at his Court, then held in St. *Mary's* Church ; and, on Interrogatories administred, *Paynter* acknowledged that he had, during his said Office of Bailiff, between the Hours of nine at Night and four in the Morning, at least ten Times, walk'd the Streets of the City, without the Chancellor or Vice-Chancellor's Consent, or any Intimation thereof given to one of them ; but

A. D. 1709.

but that he did it by Virtue of a *Hue and Cry* frequently coming to him in the King's Name, for a Search after Felons within the City Limits; and *Smith* in like manner confessing, that he had done the same for three or four Times, the Vice-Chancellor pronounced Sentence against them as Night-walkers and Disturbers of the Peace, mulcting *Paynter* in the Sum of 20*l.* and *Smith* in the Sum of 8*l. viz.* 40 Shillings *pro qualibet vice*, with a Monition to pay the same within eight Days. And for Non-payment hereof, *Paynter* was on the Day of his Appearance committed to Goal, there to remain until he paid the said Mulct or Fine; as was also *Smith*, for refusing to appear on the Day assign'd him. Whereupon *Paynter* purchased a Writ of *Habeas Corpus cum Causa*, from the King's Bench, directed to the Sheriff of *Oxfordshire*, or his Deputy, who, on the Receipt thereof issued his Warrant to the Goaler, for to deliver *Paynter* into the Hands of the City Serjeants, in order to convey him to *London*, who, on *Nov. 5.* was by the Under-Sheriff brought before the Justices of the King's Bench; but the Cause of his Commitment being not return'd with the Writ, as requir'd, the Hearing thereof was adjourn'd to the 25th, when *Paynter* was again brought hither in due Form, on a Return of this Writ, which see in the *Appendix*; and after Reading hereof, Chief Justice *Flemming*, with the Concurrence of *Williams* and *Crook*, the other Judges present, pronounc'd Judgment according to a Precedent cited in the 4 *Hen. 6.* whereby *Paynter* was remanded to the Chancellor of *Oxford's* Court, to undergo the Sentence thereof; *Crook* and *Williams* affirming, that the Scholars enjoy'd this Privilege of *Watch and Ward* when they were Students in the University,

*Vide Append.
cxviii.*

verfity, and 300 Years before, without any Oppofition, and therefore they rebuk'd him for his Contumacy. After the ufual Forms at Common Law had paffed, *Paynter* was brought back to *Oxford*, and re-imprison'd till Dec. 8. when he appear'd in the Chancellor's Court, and by way of caution lodg'd fome Silver Plate in the Vice-Chancellor's Hands, for the due Payment of the aforefaid 20 *l.* with all Cofts and Charges of Suit on the University's Part, and for the Satisfaction of the Law-Proctor's Fees. In fhort, *Paynter* and *Smith*, on due Sorrow and Repentance for their Crimes, now deprecated the Punifhment thereof; and in a full Convocation obtaining Pardon for the fame, they were eafed from the greateft Part of their Fines, on the Payment of 40 Shillings by *Paynter*, and 12 Shillings by *Smith*.

Pending this Suit, the Citizens fore-thinking they fhould be caft herein, committed two privileged Persons to Goal, one of thefe being of the Number of *Slatters*, who with the *Mafons* and *Joyners* formerly defired to be admitted into the Matriculation of the University. On Notice hereof the Vice-Chancellor fent his Writ or Mandate under the half Seal, for an immediate Discharge of them from Cufody; on the Difobedience of the Citizens hereunto, he called a Convocation, and difcommon'd the five chief Authors of this Infult and Contempt, interdicting them all Trade and Commerce with Scholars and privileged Persons; which Civil Anathema fo terrified them, that they instantly, with all Humility, fued a Pardon for their Faults, and under a Form of Words prefcrib'd them by the University, acknowledged the fame, to the Satisfaction of the Scholars.

A. D. 1611:

Yet about two Years afterwards a new Difference arose on the Right of the *Night-Watch*, which occasion'd another Law-suit between the Scholars and Townsmen, before the Judges of the King's Bench : Hereupon the University was again oblig'd to have Recourse to the dire Fulmination of another Commercial Interdict, after the Vice-Chancellor had, by all gentle Means imaginable, endeavour'd to reduce the proud Townsmen to their Duty as well as Interest. This Thunderbolt reach'd the Head of the City Recorder *Wentworth*, a sworn and declared Enemy to the University, and a great Promoter of all these Dissensions and Troubles, whereby every Person was forbid to consult him as a Lawyer, or to retain him in any Suit whatsoever, or to keep any Correspondence with him or his Family ; yet during this discommuning, some Persons, regardless of their Duty, and of the Oaths by them taken to defend the University Rights according to their best Abilities, at length began to deal with the Persons discommon'd : wherefore they were admonish'd by the Vice-Chancellor to forbear this Offence, under the Pains to be inflict'd on 'em by the Statutes of the University. At this Time the Magistrates of the University receiving frequent Complaints touching the Behaviour of the late Mayor (*William Potter*) who, on leaving his said Office, encourag'd the Bailiffs of the City in Law-suits with the University, with the Promise of Aid herein from the City Chest : A Convocation was hereupon called, and for this and other Crimes against the Scholars, he was by unanimous Consent thereof, depriv'd of his Dealings with all Students and privileg'd Persons. This gave an Occasion both to the University and City, of laying their Grievances before the

King,

King, in his Council-Chamber at *Whitehall*, and on the Council's Hearing the Complaints on each side, it was pronounc'd in favour of the Scholars, and the discommon'd Citizens were commanded to return home, and by a publick Acknowledgment of their Errors to ask Pardon for the same, which they did accordingly on the first of *August*, at a solemn Convocation in a Form prescrib'd them. But before this Form was publickly read and subscrib'd by them, they each of them separately acknowledg'd their Offence, and promised a future Obedience and Observance of all the lawful Liberties, Privileges, and Customs of the University; which Acknowledgment being forthwith registred, and openly read by one of the Proctors in the Convocation House, a Transcript thereof was given to each of the Criminals to subscribe his Name, and set his Seal thereunto; after they had done this, they were immediately pronounc'd to be relax'd from the Sentence which they had incur'd, whereby these two Corporations were reconcil'd for many Years.

But hence-forward the Peace of the University was not so well preserv'd among its own Members, miserably divided in their Opinions, and distracted with Religious Disputes, which were chiefly owing to Persons Papistically and Puritanically inclin'd, the one side adhering (as was pretended) to *Arminius* and his Disciples, with some Leaven of Popery mingled with their Principles; whilst the other strenuously asserted the Doctrine of *Calvin* and his Followers. Among the Number of the first was *William Laud*, Batch. in Divinity, and afterwards Archbishop of *Canterbury*, who in the Year 1606. utter'd some Expressions in a Sermon of his preach'd at *St. Mary's Church*, too much

much favouring (as was thought by many of the University) of the *Roman* Superstition ; wherefore he was called upon by Dr. *Airay*, the Vice-Chancellor, to give an Account thereof ; but *Laud* so far clear'd himself of the Charge against him, as to escape a Retraction of his Opinions, tho' the same was earnestly labour'd and contended for with too much Reason, by many of the chief of the University. Indeed these Religious Differences very much quicken'd the Advancement of Learning, whilst each Party was searching for a sound Foundation to ground the Superstructure of their Belief on ; but the ill Consequences of a persecuting Spirit ever void of Charity, gain'd no Reputation or Advantage to Religion it self : And from these Beginnings of Wrath and Vengeance in the University, and King *James's* framing a State-Policy on certain Principles of Religion, by him conceived and adapted for the Support of Arbitrary Power in the Prince, the ensuing Rage of Civil War and Rebellion sprung up in the Land, which in few Years after introduc'd that heavy Visitation on the University, which for some time put an End to all our just Liberties and Privileges, and became a Scourge in the Hands of Tyrants, to chastise the Weakness and Folly of an undiscerning Spirit of Ambition. In this froward and angry State the University continu'd for many Years, calling Persons to an Account on very slight Suggestions from their Sermons, according to the Humour of those who had acquir'd some Esteem among the Court Flatterers, and with the King himself, who was but too well pleased with these violent Proceedings in the University, believing this to be the surest Method of Establishing an absolute Power in himself. It is true, he liv'd not

to

to see the fatal Miseries his wretched King-Craft had begun: But his Son King *Charles* the first succeeding him, a Prince of a more wilful and less cautious Spirit, pursued the same Measures his Father had entred upon, of supporting his Government by a Party, which were to receive their Principles from ambitious Churchmen. For he, having stronger Inclinations to advance the Prerogative, thought this End could not be accomplish'd by any better Means, than by aggrandizing the Church, so that they might lord it over the Laity; and therefore the Terms of Communion in his Reign were multiplied and encreas'd, by ordaining such Conditions for the Admission of its Members therein, as had not been heretofore required; which being introduc'd under the Countenance of Regal Authority, more firmly riveted to his Interest and Designs, all the aspiring Clergy, who were willing to narrow the Foundation of Religion, that they might thereby exclude many good Christians from Preferments in the Church, upon the View almost of a Monopoly. Thus were some of the thirty nine Articles now explain'd in a Sense far different from the Letter, that Men might be distinguish'd under the Names of *Calvinists* and *Arminians*; the wholesome Doctrines of Obedience, as contain'd in the Homilies, were also improv'd into the Divine Right of Kings, and to the unlimited Conditions of Subjection to them: These and such like Doctrines put this unthinking Prince upon such Measures as ripen'd the Discontents sown in his Father's Time, and brought on the Calamities which so fatally overwhelmed the Son, and in his Ruin threaten'd almost a total Destruction to this University.

I will not here give a particular Relation of all the Sermons censur'd by the University, during the Chancellorship of that *Arminian* Archbishop *Laud*, almost for no other Reason but that they savour'd too much of *Calvinism*, tho' on the Principles thereof the Articles themselves were originally founded, yet with some Latitude, on a pious Design of inviting all Christians into Communion with us: for as *William Knight*, of *Broadgate-Hall* had been imprison'd long before for a Sermon preach'd at *St. Peter's Church* in the *East*, on *Palm-Sunday*, wherein he asserted the Subject's Right of taking up Arms against the Prince, in case of Persecution for Religion; so no sooner was *Laud* made Chancellor, on the Decease of that wise and excellent Person the Earl of *Pembroke*, but that several Persons were called in Question for Taxing the Bishops with *Arminianism*, the fashionable Doctrine of those Days under some Disguise; which brought on an Appeal before the King at *Woodstock* by *Brian Duppa*, then Vice-Chancellor, touching the Proctors of the University, who had received the Appeal of two Persons under the said *Duppa's* Displeasure, for refusing on a Summons to deliver up to him the Copies of two Sermons preach'd by them: This Matter gave the University much Trouble; but it was at length decided in the Vice-Chancellor's Favour by the Perswasion of *Laud*, tho' how agreeable to Law I shall consider in another Place; by which Royal Decision the Proctors were commanded to lay down their Offices, which they accordingly did, in a Convocation held on the 26th of *August*, and the two new Proctors elected the Day before, were sworn into their Room.

At the same time were read in Convocation certain Royal Constitutions, adapted to the future Punishment of the like Offences, and in Precaution thereof. As first, if the Vice-Chancellor shall think fit to demand the Sermon of any Scholar, being present thereat himself, or on the Complaint of any Person offended therewith, such Preacher shall be oblig'd to deliver up a true and perfect Copy thereof upon Oath to the Vice-Chancellor; that the same, by Cognizance taken thereof, may be inspected either in Virtue of *Leicesters* Statute, or that more modern one, whereby the Vice-Chancellor is requir'd to take six Doctors to his Assistance; which said Statutes shall retain their ancient Force and Vigour, until some new Laws shall be provided touching the same. *2dly*, That if the Vice-Chancellor shall command any Person to go to Goal on the Account of his Demerits, or shall commit any one to a Beadle for his Imprisonment, he shall go without Delay, or any Reluctancy; and in Default thereof shall be expelled the University, and censur'd as a Disturber of the publick Peace thereof, and be for ever in this Case, without the Benefit of an Appeal. *Lastly*, He commanded the Delegates now employ'd in making a new Body of Statutes, to dispatch and hasten the finishing of the same.

The Chancellor, who was indeed a strenuous Asserter of all our Liberties and Privileges, and the greatest Support of Learning of any Person in his Time, now falling into Discredit, and afterwards into the Hatred of the Parliament, gave the unruly Citizens hereby fresh Occasions of invading our Rights, and insulting our Persons. For setting at nought the Power and Authority of the University Magistrates, they now

appointed a Clerk of the Market out of their own Body, and in their Court Leets they took Cognifance of Paving and cleansing the Streets, and ascertain'd Prices on Candles according to Pleasure, which Right had been vested in the Chancellor alone for Time immemorial; and lastly, they scrupl'd not to arrest our Persons by the Mayor's Process, and to bring Scholars and privileg'd Persons before their own Tribunal; and also to disturb the very Proctors themselves in their Night-watch, claiming to themselves all Felons Goods: And to consummate their Malice against our Privileges, they presented to the Parliament false and scandalous Petitions touching the same, with a View of Repealing all our Charters. But the University obviated all these wicked Arts and Machinations, by a Petition soon after presented also to the House of Lords. The Merits of these Petitions were heard on both sides, *May 9. 1640.* a Committee being in the mean while appointed to search the Records of each Body: And when the Lords seem'd inclin'd to pronounce in Favour of the University, the Earl of *Berkshire*, Lord High Steward of the City, pray'd an Arbitration hereof; and the University, on their Part, nam'd the Earls of *Pembroke*, *Dorset*, *Bristol*; the Bishops of *Lincoln* and *Chichester*; and the City, on their behalf nominated the Earls of *Bath* and *Southampton*, the Viscount *Say*, the Lord *Roberts*, and some others. Soon after the Upper House of Parliament order'd two or three Persons to adjust this Difference among them, and so the Matter ended.

Pending this Controversy, the Mob of the City every Day and Night assembled at *Cairfax*, traducing the Magistrates of the University with all the reproachful Calumnies their Ma-

lice

lice could invent ; and assaulted one of the Proctors in the Execution of his Office, on his coming to disperse this Rabble, met together in the *High-street*, in order to rescue a lewd Woman from Punishment. The Proctor in Despair of repressing this Riot by his own Authority, earnestly importun'd the Mayor's Aid and Assistance for calming the Citizens Minds, and bringing them to Order ; whereupon some of the Ring-leaders were seiz'd and imprison'd. This Ferment grew to such a Height, that the Townsmen rung out their Alarum Bell once or twice, and proclaim'd open War with the Scholars, and if they had been as willing to engage as the froward Citizens, no doubt as bloody a Slaughter had now ensued thereupon, as in the great Conflict, *anno* 1354. which God for ever avert.

Thus were the Heats and Passions between the Scholars and Townsmen, and even among the Students themselves, contending with each other in the Pulpits and elsewhere, with more Warmth than Reflection, about Doctrines rather favouring of the Schools than Religion, the unhappy Preludes of that fierce Civil War which follow'd in the Kingdom thereupon, and brought on that heavy Judgment of a Visitation in this University ; which I shall now consider rather with Grief and Lamentation than with the Sentiments of Wrath and Indignation, for the Iniquities and Violence attending it.

This Visitation of the University of *Oxford* was begun in the Year 1647, by certain Persons delegated by the Parliament for this End, and was not finish'd till the Year ensuing ; in which the Earl of *Pembroke* was contented to be employ'd as Chancellor of the University, who had taken an Oath to defend the Rights and Privile-

ges thereof ; ‘ notwithstanding which, as the Earl of *Clarendon* observes in his History, ‘ out of the extreme Weakness of his Understanding, and the miserable Compliance of his Nature, he suffer’d himself to be made a Property in joining with *Brent, Prynne*, and some Committee Men, and Presbyterian Ministers, as Commissioners for the Parliament, to reform the Discipline, and erroneous Doctrine of that famous University, by the Rule of the Covenant ; which was the Standard of all Mens Learning and Ability to govern ; all Persons of that Quality being requir’d to subscribe that Test ; which the whole Body of the University was so far from submitting to, that they met in their Convocation, and, to their eternal Renown, (being at the same Time under a strict and strong Garrison, put over them by the Parliament, the King in Prison, and all their Hopes desperate) passed a publick Act and Declaration against the Covenant, with such invincible Arguments of the Illegality, Wickedness and Perjury, contain’d in it, that no Man of the contrary Opinion, nor the Assembly of the Divines (which then sat at *Westminster*, forming a new Catechism, and Scheme of Religion) ever ventur’d to make any Answer to it ; nor is it indeed to be answer’d, but must remain to the World’s End, as a Monument of the Learning, Courage and Loyalty, of that excellent Place, against the highest Malice and Tyranny that was ever exercis’d in or over any Nation ; and which those famous Commissioners only answer’d by expelling all those who refus’d to submit to their Jurisdiction, or to take the Covenant ; which was, upon the Matter, the whole University, scarce one Governor and Master of College or Hall,

‘ Hall, and an incredible small Number of the
‘ Fellows or Scholars, submitting to either.
‘ Whereupon that Desolation being made, they
‘ plac’d in their Rooms the most notorious fa-
‘ ctious Presbyterians in the Government of the
‘ several Colleges or Halls, and such other of
‘ the same Leaven in the Fellowships and Scho-
‘ lars Places, of those whom they had expell’d,
‘ without any Regard to the Statutes of the se-
‘ veral Founders, and the Incapacities of the
‘ Persons that were put in. The Omnipotence
‘ of an Ordinance of Parliament confirm’d all
‘ that was this Way done ; and there was no
‘ further contending against it.

‘ It might reasonably be concluded, that this
‘ wild and barbarous Depopulation would even
‘ extirpate all that Learning, Religion and
‘ Loyalty, which had so eminently flourish’d
‘ there ; and that the succeeding ill Husbandry
‘ and unskilful Cultivation, would have made
‘ it fruitful only in Ignorance, Profanation, A-
‘ theism and Rebellion ; but by God’s wonder-
‘ ful Blessing, the Goodness and Richness of
‘ that Soil could not be made barren by all that
‘ Stupidity and Ignorance. It choak’d the
‘ Weeds, and would not suffer the poisonous
‘ Seeds, which were sown with Industry enough,
‘ to spring up ; but after several Tyrannical
‘ Governments mutually succeeding each other,
‘ and with the same Malice and Perverseness
‘ endeavour’d to extinguish all good Literature
‘ and Allegiance, it yielded a Harvest of ex-
‘ traordinary good and sound Knowledge in all
‘ Parts of Learning ; and many who were wick-
‘ edly introduc’d, apply’d themselves to the
‘ Study of good Learning, and the Practice of
‘ Virtue, and had Inclination to that Duty and
‘ Obedience they had never been taught ; so

' that when it pleased God to bring K. *Charles II.*
 ' back to his Throne, he found that Univerfi-
 ' ty (not to undervalue the other, which
 ' had nobly likewise rejected the ill Inſufions
 ' which had been induſtriouſly poured into it)
 ' abounding in excellent Learning, and devo-
 ' ted to Duty and Obedience, little inferior to
 ' what it was before its Deſolation ; which is a
 ' lively Inſtance of God's Mercy and Purpoſe,
 ' for ever ſo to provide for his Church, that
 ' the Gates of Hell ſhall never prevail againſt
 ' it ; which were never open'd wider, nor with
 ' more Malice than in that time. And thus far
 from the Hiſtory of that noble Peer, the Earl
 of *Clarendon* ; a Copy of which he bequeath'd as
 a Legacy to the Univerſity of *Oxford*, to make
 ſome Reparation for the Damages it ſuſtain'd
 during the Rage of this unnatural civil War :
 which Gift, if it had been rightly improv'd
 and honeſtly manag'd by thoſe who had the
 Care of its Impreſſion, might have been a Bene-
 faction of an ineſtimable Value to us. But it
 falling into the Hands of a Perſon oppreſſed
 with the want of Money, &c. it has come ſhort
 of its juſt Profit and Advantage above three
 thouſand Pounds. Indeed there were ſome lau-
 dable Efforts made to recover part of this Sum
 in the Vice-Chancellorſhip of Dr. *Laſcaſter*, by
 Vertue of a Sequeſtration ; but his honeſt En-
 deavours have ſince been rendred vain and fruit-
 leſs, by the baſe Spirit of one of his Succeſſors.
 Leaving then this Digreſſion, which is ſo natu-
 ral to fall in upon a Mention or Recital of my
 Lord *Clarendon's* Hiſtory, I will now proceed
 to give a more particular Account of this dire-
 ful Viſitation, begun on *Saturday* the firſt of
May, by *Nath. Brent*, Warden of *Merton Col-*
lege, Mr. *Edward Corbet* of the ſame, *John Pu-*
lixton

4 D. 1647.

lixton of the Middle Temple Esq; *Mr. Hen. Wilkinson* sen. late of *Magdalen Hall*, *Will. Prynn* of *Lincolns-Inn* Esq; *Will. Tipping* Gent. *Sir Will. Cobb* Knight, *George Greenwood* Gent. *Dr. John Wilkinson* Principal of *Magdalen Hall*, *Edward Reynolds* late of *Merton* Fellow, *Rob. Harris* of *Magdalen Hall*, *Fran. Cheynell* late of *Merton*, *John Packer* of *Berkshire* Esq; *John Wilkinson* of *Bucks* Gent. *John Mills* of *Christ-Church* A. M. *Christopher Rogers* Principal of *New Inn Hall*, *Will. Cope* Esq; *Barth. Hall* of the Middle Temple Esq; *Tho. Knight* of *Lincolns-Inn* Esq; *John Heylin* of *Greys-Inn* Esq; *Will. Draper* of *Nether-Worton* Esq; *Gab. Beck* of *Lincolns-Inn* Esq; *John Cartwright* of *Aynoe* Esq; and *Sam. Dunch* of *Pusey* Esq; all these were Delegates commission'd by that which (in the sacred Stile of those Times) was called *The Blessed Parliament*, and were order'd to visit the University, and each of its Colleges and Halls, for the better Reformation and good Government thereof, and for the Correction of all Excesses and Abuses therein. Soon after this Parliamentary Order, a Citation was issued out for the Commencement of this Visitation, which was highly promoted by a sort of People then known by the Name of *Seekers*, from their Hopes of succeeding into the Places of Persons expell'd or removed from thence; which Citation see in the *Appendix* p. cxxvi. and Copies thereof were deliver'd to all the Heads of Colleges and Halls, and to the Proctors of the University, and others affixed on the Walls and publick Places therein, for their Appearance on the 4th of *June*. In the mean while the Governors of the University had frequent Meetings at *Christ-Church* and *All Souls* Colleges, in order to consider what was proper to offer upon this Occasion,

and

and in this critical Juncture of Affairs; and on the first of *June*, a Convocation was thereupon assembled, wherein Dr. *Fell* the Vice-Chancellor, after he had open'd the Cause of that Assembly, made an eloquent Speech on the Nature of the Matter then before them; whereupon the Scholars immediately resolv'd with one Consent to exhibit an Apology, or their Reasons for their Non-conformity to the Demands of the Commissioners, which was call'd the Decree of the University of *Oxford*, shewing by the strongest Arguments, and such as were never yet answer'd, the Illegality of taking the *Solemn League and Covenant*, which with the Apology, is too long to be inserted here; and therefore I shall return to the Visitors expected on the Day of Appointment, referring the Reader to the *League and Covenant*, and this Judgment thereon printed by it self.

On the 3d of *June* *Merton* College Gates were set open for their Reception, (the Visitation being held therein) where many of the Scholars in the utmost Despair waited their coming, there being all manner of Provision made for that end. But their Journey from *London* was deferr'd by a sudden Tumult happening there, by an Insult committed on the Parliaments Forces; whereupon the absent Delegates dispatch'd a Pacquet of Letters to their Ministers at *Oxford*, to signify a Prorogation of their Meeting until the long Vacation Time, there being also now a Mutiny among the Garrison at *Oxford*, which might interrupt their Visitation, and prove of dangerous Consequence to the Affairs of Parliament, which was mobbed and insulted also in *London*. This News gave the Scholars some Dawnings of Hopes, believing that the few Delegates present at *Oxford* would not attempt a
Work

Work so difficult and dangerous from the Posture of the Parliament; or (at least) they thought this would put off the Visitation till those Commissioners now in London could well attend: But the next Morning the aforesaid Rogers, Harris, Reynolds, Wilkinson sen. and Chynell, prepar'd themselves to enter on the Visitation, it being their Interest that this Visitation should proceed, being likely to become Gainers thereby, which animated their Courage much. Dunch, Draper, and John Wilkinson Gent. were already repair'd hither, not in the least doubting of a Convention of almost all the Commissioners. Harris went to St. Mary's Church, accompanied with a great Number of the Students, rather affected with the Novelty of the Thing than with any Respect or Love to the Presbyterian Interest; from whence, after Prayers and a Sermon preach'd, they immediately attended him to the Schools; but before the Delegates could get thither, it was past eleven a-clock in the Morning; for it is to be observ'd, that according to the Tenor of the abovesaid Citation, the Time assign'd by the Delegates for the Appearance of the Persons summon'd, was between the Hours of Nine and Eleven in the Morning; which Period of Time being elapsed by the long ringing out of the Sermon Bell, and the Prayers and Sermon ensuing thereupon, the Vice-Chancellor, Doctors and Proctors, with many Masters of Arts, exhibited their Presence by a diligent Attendance and Expectation of the Court sitting, laying hold on this Occasion as a Plea to elude the Force of the Citation; although at the same time they had resolv'd among themselves not to acknowledge the Power and Jurisdiction of this pretended Tribunal: and therefore, lest the Commissioners should pro-

proceed against them immediately, as Persons contumacious and confessing the Articles exhibited, they pleaded the irregular Session of the Court, and protested against the Incompetency thereof in Respect of time. The Students with this Opportunity put into their Hands of procrastinating the Visitation, immediately entred the Convocation House, (for they were before walking before the Doors, and sitting in the *Apodyterium*) and by the Voice of their Proctor, in the Presence of a Notary Publick, declar'd, that in pursuance of an Order of both Houses of Parliament, they gave Appearance (as commanded) on the Day, Place and Hours appointed for that End; and the said Time being now passed, they did not hold themselves oblig'd to continue or stay there any longer, and hereupon the Vice-Chancellor commanded the Persons to return each of them to their respective Homes.

4 June.

The Vice-Chancellor and Doctors, in their return home, with the Beadles before them, happen'd to meet the Visitors in the narrow Passage before the Schools, whom one of the Beadles saluted in this manner. *Farewell, Gentlemen, it is past eleven a-clock.* Whereupon the Scholars gave a great Shout, and thus left the Visitors to be attended by the Towns Boys and the young Students, who charged the Persons cited with an unheard of Contumacy.

On the 5th of June it was agreed among the Delegates of the University, 1st, That no one should give any Appearance at this Court without a new Citation emitted and strengthened with the Names of five Commissioners. 2^{dly}, That no one appear on a Holiday. 3^{dly}, That whenever any Person appear'd, he should know by what Authority he was summon'd thither, and
if

if the Visitors refus'd to acquaint him, that he should immediately depart. 4thly, That if the Visitors gave any Indications of their Power, then he should answer under this Caution interpos'd, *viz. Saving the Rights of the Kingdom, the University, and my College, and all others whatsoever, and howsoever unto me accruing.* 5thly, That every Student should pray a due Time to be assign'd him for the giving of his Answer, and should also demand a Copy of his Accusation in Writing, and if refused to be granted, he should notwithstanding give in his Answer in Writing. 6thly, That if they attempted to administer the Oath *De Officio* to him, in Relation to his Answer thereon, he should refuse the same, as illegally tender'd, it being prohibited by Act of Parliament.

On the 26th of *August* following, a new Citation was issued out by both Houses of Parliament for the Visitation and Reformation of all Colleges and Halls in this University; which was stiled the *Additional Ordinance*, wherein, after it was declar'd that the Cathedral Church or College of *Christ-Church* is no less subject to the Power of this Visitation, together with its Dean, Prebendaries and Students, &c. belonging thereunto, than other Colleges; it is thus decreed; That the Visitors first appointed, or any five of them, &c. or more, should be fully empower'd to administer the *Solemn League and Covenant*, and the Negative Oath, and also to compel all University Members to take the same. 2dly, That it should be lawful for the said Visitors to demand, and thoroughly to peruse all the Statutes, Registers, Diaries, Matriculation-Books, Charters, and Books of Accounts commonly called the Bursar's Books, the Constitutions, and all manner of Writings relating to the Govern-

vernment and Affairs of the said University, and of all Colleges and Halls appertaining thereunto. *3dly*, That they might summon before them and imprison any Person, after a personal Citation served on him, and compel him to produce the aforesaid Writings or any of them, and on refusal commit the Party in Contempt to Goal, until such time as the said Books, &c. were deliver'd up to the Visitors, or else some sufficient Cause shewn to the contrary, *viz.* why he did not produce them. And *lastly*, That they should have the Power of the University Prison, and might imprison any Member of the University, or of any College or Hall therein, refusing or omitting to appear before them after such personal Citation. *4thly*, That all Members and Officers of the University, and of every College and Hall therein, and all other Persons within the Precincts thereof, of the Age of one and twenty Years and upwards, or at least such and as many of them as shall be judged convenient, shall be by these Visitors assembled or impanell'd, to enquire by Virtue of an Oath touching all Crimes and Offences whatsoever contain'd in the aforesaid Ordinance, according to the Articles of Inquiry founded in the said Ordinance, and approv'd by the standing Committee of the Lords and Commons named in this Ordinance; and judicially to appear with their Presentment of these Crimes; and that these Visitors might compel all Witnesses whatsoever to appear under an Examination upon Oath, in the Cognisance found for the Punishment of these Crimes. *5thly*, That *Oliver St. Johns*, the King's Attorney-General, should write this Commission, and transmit it to these Visitors, thereby giving them a full Power of visiting this University, and of all Colleges, Halls, and Mem-

Members whatsoever, without any further Warrant or Authority whatever, and this Commission was sealed with the Great Seal of England then in Use, tho' a false one. 6thly, That the Authority of the Parliament would secure and indemnify the said Visitors in whatsoever they should do in executing of the said Ordinance. 7thly, That the said Visitors, or any five of them, should be empower'd to assume a Scribe or Actuary, or any other Officers necessary in this Visitation, who were for their Service herein to receive Stipends to be decreed them by the standing Committee of Lords and Commons. 8thly, That all Sheriffs, Mayors, and other Magistrates, should be at Hand, and assist the aforesaid Visitors, or any five of them or more, and their Officers, in the Execution of all Matters entrusted with them: And thus far of the chief Heads of this *additional Order*.

The same Day other Mandates were issued out touching this Visitation, such as, viz. 1st, That the Visitors should sit together at Oxford *de die in diem*, making the aforesaid Enquiry, though some of them had or should adjourn the Visitation to a further Day, and that they should begin the same with the Magistrates of the University, the Heads of Houses, and Canons of *Christ Church*. 2dly, That it was the Duty of these Visitors not only to enquire touching the Students of the University, but also to chastise them, and to reform their Manners. 3dly, That they should enquire who were present at the Convocation held on the 11th of July, 1642. and transmitted to his Majesty, then waging War against the Parliament, the University Money by way of Loan, which tho' a small Sum *, has never since * 860 l. been paid by the Crown, but is made a Part of the Proctors Petition in passing the University Accounts.

Sept.

Sept. 24. the Committee emitted their Decree for visiting the University, and that the Commissioners or Visitors named in the Ordinance made *May* 1. might enquire, hear and determine, all and singular Crimes, Offences, Abuses, and other Matters whatsoever, according to the Laws and Statutes of the Realm, or according to the Customs or Statutes of the University legally establish'd, and according to the Statutes of every College and Hall, in the Course and Method of Visiting the University; and all Colleges, Halls, Masters, Scholars, Governors, Professors, Students, Fellows, Members and Officers, or any of them apart; and that they should have Authority to proceed to all the aforesaid Effects and Purposes, and even to a definitive Sentence against any Magistrate of the University, or any Head of a College or Hall therein, in Pursuance of the Laws, Statutes and Customs aforesaid, or any of them, for the Reformation of the University, and of all Colleges and Halls in the same, and for the due Punishment of all their Crimes, Abuses, and Excesses. Moreover it was order'd by the said Committee, that the Visitors should be empower'd to examine touching the Dean, Canons, Students, &c. of the Cathedral or Collegiate Church called *Christ-Church*; and also touching all and every Governour, Master, Professor, Fellow, Graduate, Student, Scholar, and Member, of all and every College and Hall within the University, and all and every Officer belonging to these Colleges and Halls, on the following Interrogatories, *viz.* 1st, Whether all or any of their Members had omitted to take the *Solemn League and Covenant*, or the *Negative Oath*, or either of them. 2^{dly}, Whether all or any of them, in their Office

Office or Station, had impugned the Execution of the Order of Parliament, touching the Directory or Discipline thereof? 3dly, Whether any of them had oppos'd any Article of Doctrine therein, either by Word or Writing? and especially whether they had deliver'd, approv'd, or openly profess'd, any *Arminian*, *Socinian*, or *Papal Error*? 4thly, Whether any of them had been in Arms against the Parliament, or any Forces rais'd by the Authority of Parliament, or had been aiding and assisting to Forces levied against the Parliament; and especially whether any of them had transmitted any Money or Gold, or Silver Plate to the King, as an Aid or Encouragement for him to wage War against the Parliament, or had pray'd him to send Forces to *Oxford*, to screen Delinquents there from the Justice of the Parliament, or had persuaded him to garrison the City and fortify the same against the Parliament, and to collect Money for the Defence thereof, from the Month of *June* 1642. to the said Month in the Year 1646. or at any Time within the said Time? 5thly, What Crimes, Offences, and Abuses, have been either formerly or lately committed by any Officer or Member of the University, against any Laws or Statutes of the Realm; or against any Statutes or Customs of the University; or against any particular Statutes of particular Colleges or Halls.

After this came a Commission under the great Seal of *England*, to begin the Visitation; for tho' the Parliament had not the genuine and authentick Seal, yet they made use of a spurious one in all their Matters: and thereupon they commanded the Attorney-General and others of that side concerned herein, to hasten and dispatch this Commission; which was done on the

A. D. 1647. 27th of September, and from the Ordinance already exhibited in no wise different, begins thus, viz. *Carolus, Dei gratia, &c. fidelibus & admodum dilectis, Nath Brent Equiti aurato, Edwardo Corbet, &c.* (here are all the other Commissioners recounted in order) *Sciatis, quod nos attendentes ac designantes Regulationem ac Reformationem Universitatis nostrae Oxoniensis, & Ecclesie Cathedralis seu Collegiatae, seu Collegii Edis Christi, nec non aliorum omnium Coll. & Aliorum intra dictam Universitatem, &c.*

On the 30th of September a Citation was to every Head of a House, commanding him to exhibit and deliver up all their Statutes, Registers, Diaries, Books of Account, and all manner of Constitutions and other Writings, touching the Business and Government of their Societies, into the Hands of the Visitors sitting together at *Merton College*. And the same Day they cited *Dr. Fell*, the Vice-Chancellor, to appear before them at this College, in order to subject himself to their Enquiry and Examination, and to give an Answer to such Questions as shall be propounded to him. And 2dly, They hereby ordered him to transmit to them (the Visitors) by the Hands of their Mandatory, all the Books and Acts of Convocation, and all other Writings of the University, which were in the Custody of the Register of the University.

The same Day the Proctors were commanded to produce their Books, Keys, &c. but neither the Proctors, nor the Vice-Chancellor obey'd their Orders; nay, not so much as the Heads of Houses, they all refusing to deliver up their Books, &c. to the Delegates. And on the same Day, the Visitors appointed two, three, or four Delators, or Informers, in every College and Hall, to inspect the Daily Acts of all

all Governors, Professors, Officers, &c. of the University.

On the first of *October*, the Visitors ordered *Cheyne*, one of their Numbers, to wait on the *Standing Committee* at *London*, touching the Solution of some Doubts contained in the Articles agreed on for the Surrender of the City of *Oxford*, and arising about the same; and to receive their Answer to five Questions proposed by the Visitors; that by removing these Obstructions, they might proceed with greater Freedom and Alacrity in the Reforming of the University. On the 4th of *October*, the Visitors again commanded *Dr. Fell* to appear before them on the *Wednesday* following, and to bring with him the University Books, and those of his own House, which they order'd by a Citation transmitted to him on the Day aforesaid, to which he refused Obedience, communicating the Visitors Commands to the Delegates of the University, who the next Day sent Letters to the Visitors under the Publick Seal of the University, to know by what Authority they demanded their Statutes, Registers, &c. tho' what Answer was given hereunto we know not.

On *October* the 6th the Heads of Houses appeared; but brought not with them the Books and Registers demanded by the Visitors, praying to know by what Authority they were summoned thither; for that the Commission drawn in the King's Name was of a forg'd Nature, &c. At the same Time a Mandate in Writing was issued out, and given to the Heads of Colleges, commanding them to appear on the 11th Instant, and bring with them all their Books, Statutes, &c. aforesaid, and to deliver them into their Hands, or to shew Cause in Writing to the contrary; after which the Vice-Chancellor,

cellor, Dr. *Fell*, was again called for his Appearance this Day at Noon, according to the Visitors Decree. On *October* the 7th the Clerk of the University was order'd to produce the Keys of the Schools and the Convocation-House, who answer'd that they were in the Custody of the Vice-Chancellor ; which thing was also at the same time affirmed by the Beadles, being commanded immediately to surrender up their Staves to them. Hereupon the Vice-Chancellor was again cited, but he not appearing, the Visitors prorogued the Term to the fifteenth of *November*, notwithstanding it was wont to commence the 10th of *October* ; and this they did by a Decree affixed up and down on the Walls, &c. in the publick Places of the University. On this Day the Master of *Pembroke-College* appear'd, and exhibited his Answer in this manner. ' According to the Commands ' of the Citation I appear. I have inspected ' your Commission, and thoroughly consider'd ' the same. I find the King's Name, together ' with the Year of his Reign, and the great ' Seal put thereunto ; but I would know whether this Commission was granted and issued ' by his Majesty's Consent ; and I pray leave of ' waiting on the King, and that with the greater Desire, because, if the same has been emitted without his Knowledge or Consent, I ' cannot obey it with a safe Conscience ; for ' that a Violation of the Oaths taken to the ' King, the University, and my own College, ' would from thence follow and ensue : And so ' you have my Opinion.

Hen. Wightwick.

October the 8th, the Proctors of the University, in the Name of all the Students, refusing to
acknow-

acknowledge the aforesaid Persons as lawful Visitors, appear'd in the Morning, with a Protestation to this Effect, before the said Visitors, viz. ' Whereas the Vice-Chancellor and Proctors (the Magistrates and publick Officers of the University) have been commanded by several Citations to appear before the said Commissioners, sitting together in *Merton College*; and whereas they have communicated this to him and us, (the Delegates of the University) we the said Delegates, together with the Vice-Chancellor and Proctors, duly weighing the Premises, and deliberating thereon, in the Name of all the Students, (paying all manner of Reverence to both Honourable Houses of Parliament, and due Respect to every Person thereof, and to the Offices they execute) do with Humility interpose our Opinion, and say, that we can acknowledge no other Visitor than the King himself, or him unto whom he has immediately delegated and granted his Power; for as much as this Power of Visiting the University is to be acknowledged among the undoubted Rights of ~~the~~ Crown, (which we are bound to defend, as well on account of several Obligations in Law, as on Account of our late Protestation) and also among the chief Privileges of the University, (which we are no less obliged by several Statutes and Oaths to maintain) and that the same belongs to the King, and no one else: And therefore, without manifest Danger of various and manifold Perjury, we think we cannot submit to this Visitation, nor can we acknowledge the Persons sent by both Houses of Parliament to be lawful Visitors, &c. To the Right Worshipful *Nob. Brent Knt.* and the rest of the Commissioners sitting together in *Merton College*,

Barnaby Love, Notary Publick, especially required to bear Witness hereunto.

On the same Day an Order was affix'd on the Walls of *Pembroke* College Hall, commanding all the Members of this College personally to appear between the Hours of seven and eight in the Morning, the next Day, there to receive the Visitors Decree about the Mastership of that Society. At Noon another Order was affixed on the School's Gate, depriving Dr. *Fell* of the Vice-Chancellorship, on a Pretence that he was admitted thereunto by the Marquess of *Hertford*, but in reality because he oppos'd the Proceedings of the Visitors with singular Honesty and Magnanimity. Hereupon they transmitted another Decree to him, commanding him to yield up the Statute Books, Keys, Seals, and other Badges of his Office, as Vice-Chancellor, together with all Writings, Goods, and publick Deeds, belonging to the University; which he refusing to do, another Order was the same Day promulgated, whereby he was declared to be deprived of his Office; and Notice hereof given to the Pro-Vice-Chancellors, Doctors, Professors, and all Scholars. *October* the 9th the Visitors chose one *Langley*, a Presbyterian Minister into the Headship of *Pembroke* College, in the Room of *Henry Wightwick* ejected; pretending first, that the Parliament had pronounced the said *Langley* to be the Master thereof, in *August* last. 2^{dly}, That *Wightwick* was elected by the Society, contrary to Right and Equity, viz. in Contempt of the frequent Commands sent by the Parliament, and forbidding the electing of *Wightwick*. On the same Day, the Vice-Chancellor summon'd *John French*, the University-Register before him; and delivering to him the Book of Convocation-Acts, com-

August 26.

manded

manded him to register the Names of the Delegates chosen the first of June last; who were empower'd to answer in the Name of the University, touching all Things concerning the publick State thereof. On the 11th of October, *Brent and Wilkinson* moved, that they might attend the Committee at London, and acquaint them with their Proceedings herein, and receive further necessary Instructions, in Relation to Dr. *Fell*, who notwithstanding his Depri-
 vation, acted as Vice-Chancellor; and that a Report hereof should be made to the Earl of *Pembroke*, the Chancellor of the University, praying to name some other fit Person in the Room of Dr. *Fell*, remov'd from his Office. But the same Day the Vice-Chancellor call'd a Congregation of Regent Masters, and began the Term according to the Statutes and solemn Custom of the University, without shewing any Regard to the aforesaid Prorogation of the Visitors; and the Beadles laying down their Staves according to antient Custom, he commended their Diligence and Fidelity. In the After-
 noon the Heads appear'd before the Visitors, and gave their Reasons why they could not deliver up the Things so often in vain demanded of them, each of them in a different Form, altho' they all agreed almost in the same Matter, viz. 'That these Books contain'd the Secrets of
 ' the Societies, and therefore could not be dis-
 ' closed without incurring the Danger of Perju-
 ' ry; for that according to the Statutes, the
 ' Government and Affairs of these Bodies ought
 ' not to be inspected by any one of what Con-
 ' dition soever; unless by the particular Visi-
 ' tors appointed by each respective Founder
 ' thereof, and their Delegates and Commissa-
 ' ries only; and that they were each of them

‘ in their several Stations bound by an Oath to
 ‘ take care and see the same observed. And
 therefore pray’d, that they might not be forced
 to the Violation of their Statutes, and consequently of their Oaths, which they thought no human Power could dispense with, or release them from. The same Day between the Hours of two and four in the Afternoon, some of the publick Professors and Lecturers appear’d before the Visitors, in obedience to a Citation of the 9th of *October*, who were commanded not to obey Dr. *Fell* as Vice-Chancellor, for the future, it being signified to them, that they need not perform their Lectures according to Custom, since they had prorogued the Term, as aforesaid.

On the 12th the Visitors prorogued their next Meeting or Session to the 26th, and it was the same Day signified to Dr. *Fell* to attend the Committee of Lords in *London*; for an Order was made the 8th of this Month for the arresting of the Vice-Chancellor, and bringing him a Prisoner to *London*. On the 23^d Dr. *Potter*, President of *Trinity College*, supplying the Absence of *Fell*, held a Convocation, wherein the Transactions of the University-Delegates, and the Answer of the 8th in the Name of the University, presented by the Proctors to the Parliament Visitors, were approved and ratify’d. On the 26th the Visitors met at the House of Sir *William Tipping*, a Condelegate in *Canditch*, and prorogued their next Session to the 29th *prox.* on which at two a Clock in the Afternoon they assembled at Mr. *Cheynell*’s Chambers, situated over *Merton College* great Gate; and there and then decreed Dr. *Potter*, the Pro-Vice-Chancellor, to be cited to appear before them the Day following, for to answer to such Matters as should

should be then objected to him : But tho' *Potter* did not appear, yet he sent his Answer in Writing. A Report being made by *Brent* and *Wilkinson* of these Proceedings, to the Lords and Commons assembled at *Westminster*, they left the whole Matter of the Delegacy or Committee to the Discretion of the Visitors, empowering them to hear and determine the whole Business by such proper Ways and Means as were necessary. Nov. the 2d, the Pro-Vice-Chancellor and Masters in Convocation enacted, That whereas Congregations, by reason of the uncertain State of the University, cou'd not conveniently be had often, the Business usually treated of therein should be transacted now in Convocation. On *November* the 3d, the Provost of *Oriel College*, being cited the Day before, appear'd, and gave the like Answer in the Name of his Society with the other Heads of Colleges, refusing to deliver up the Books, &c. And on the same Day the Visitors sent their Mandates to Dr. *James Masters*, and the rest of the Fellows of *New College*, inhibiting them from proceeding to the Election of a Warden, Fellow, or any Officer whatsoever ; which Inhibition was issued out on the account of Dr. *Pinke's* Death, the late Warden of this College. On *November* the 4th the Visitors summon'd before them Dr. *Potter*, Pro-Vice-Chancellor, Dr. *Radcliffe*, Principal of *Brasen-nose*, Dr. *Walker*, Master of *University College*, Dr. *Newlin*, President of *Corpus Christi*, Dr. *Oliver*, President of *Maudlins*, Dr. *Langbain*, Provost of *Queens College*, Dr. *Gardiner*, Dr. *Payne*, and Dr. *Iles*, Chaplains of *Christ-Church*, Mr. *Waring* and Mr. *Hunt* the Proctors, *Hen. Tower*, Sub-Rector of *Exeter College* ; who all of them appeared before the Visitors the next Day, sitting at *Mer-*

ton College, and answer'd the Interrogatories propounded. The like Citation went to Dr. Bayley, President of St. John's College, and Dr. Geo. Morley, Canon of Christ Church; but they being then absent from the University, escap'd the Censures of the Visitors for a Season. On Nov. the 6th the Visitors met, and adjourn'd their further Session to the 18th instant. On Nov. the 7th, the Fellows of New College, who were sent to wait on the Viscount Say and Seal, and the Lord Nath. Fiennes, to entreat them to use their Endeavours with the Parliament, that they might proceed to a free Election of a Warden, returned; who said they might chuse John White, commonly known by the Name of the Patriarch of Darchester, to be their Warden; but if they presume to chuse any other Person, they would neither approve or forgive that Action. On the 9th and 10th of this Month, the aforesaid Doctors and Proctors went to Westminister, soon after follow'd by some of the Visitors; and all of them besides Dr. Walker (who excus'd himself on the score of Sicknes) waited on the Committee sitting in the Painted Chamber there. On the 15th, the Committee assembled in the Queen's Apartment, where were present the Earls of Pembroke, Manchester, and Mulgrave, Peter Wentworth, and Gilb. Gerard, Kts. Nath. Fiennes, John Selden, and Fran. Rou, Esqs. And as soon as they had taken their Places, Dr. Fell, Dean of Christ Church (for they would not own him to be Vice-Chancellor) was brought before them, and examin'd, whether a certain Paper there produc'd, was the Answer of him and the Canons, it being subscribed by him and them in Chapter, and attested by the Chapter-Clerk, and then presented to the Visitors; to which Question, he said, he could not give

a full and positive Answer, without the Canons Presence : At which the Earl of Pembroke immediately in great Anger rebuked him as a Rebel to God and his Country. On the 18th of November the Fellows of New College elected Dr. *Stringer* to be their Warden, almost *nemine contradicente*, notwithstanding the Admonitions and Solicitations of the Viscount *Say*, who had lately by Letters recommended *White*, as aforesaid. After many Hearings and much Attendance given both at London and Oxford (the Particulars whereof will be irksome to remember in this Place) Dr. *Fell*, Dr. *Oliver*, Dr. *Potter*, Dr. *Bayley*, Dr. *Radcliffe*, *Gardiner*, *Iles*, and *Morley*, were all ejected out of their respective Stations in the University, as guilty of the highest Contumacy against the Power of the Parliament.

December.

On the 20th of January it was order'd by the Committee sitting at London for reforming the University of Oxford, that the Answers of Dr. *Fell* and others, refusing to submit themselves to the Authority of Parliament, in respect of this Visitation of the University, should be referred to the said Committee for the Hearing and Decision thereof.

February the 9th it was ordered by the said Committee, that Dr. *Potter*, the Pro-Vice-Chancellor, and both the Proctors, should be brought to London under a strong Guard, to give an Account of their irregular Behaviour, in a Congregation lately held in contempt of the Parliament's Authority ; for it was then enacted, that it should be lawful for the Pro-Vice-Chancellor and the Proctors Deputies to confer Degrees. The University Register was commanded to appear on the 17th instant, and to bring with him all the Registers and Acts of

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Convocation and Congregation since *June* last ; but these Orders were not so well executed : For the Sub-Dean of *Christ-Church*, who was commanded to notify Dr. *Fell's* Expulsion to that Society, refused Obedience thereunto ; and the Scholars pulled down and trampled on the other Order fixed on the Walls, &c. in all the publick Places of the University, by the Visitors Command. The Register appear'd and deliver'd some of the Acts ; but the Vice-Chancellor had long since got into his Custody most of the Books, &c.

On the 18th of *February* the Parliament named *Edward Reynolds*, A. M. to be the Vice-Chancellor of *Oxford*, and that he should hold this Office until *August*, 1649. being the Person whom *Philip* Earl of *Pembroke* had named thereunto ; but he being deprived and turned out of his Chancellorship of the University by the Scholars some Years ago, his Nomination was made void ; and now being again restored thereunto by the Parliament, his Choice of *Reynolds* was confirmed by the standing Committee. The same Day *Joshua Crosse*, A. M. of *Lincoln College*, and *Ralph Button*, A. M. of *Merton College*, Fellows, were by the Parliament chosen Proctors, and were appointed to execute this Office till the Year 1649. who together with *Reynolds* were on the 12th of *April* admitted to their respective Offices. On the 8th of *March* the Lords decreed and order'd the Earl of *Pembroke* then residing near *Oxford*, to go thither, and take possession of the Office of Chancellor again there ; who accordingly went thither, and was magnificently attended by the Visitors, Vice-Chancellor and Proctors, in very solemn manner ; and the Chancellor and Visitors were order'd to make the said *Reynolds* a Doctor in Divinity,

Divinity, and to deliver unto him and the Proctors the Government of the University according to the usual Ceremony thereof; and that the Chancellor, Visitors, Vice-Chancellor, Proctors, and the Visitors Assistants (for thus were the *Informers* styled) should have Power to admit all Persons examined by the Delegates and approved of by their Testimonial, to all the Degrees they sued for; and to punish all Contempts committed against the Power of the Parliament, either by suspending the guilty Persons from giving any Suffrage, or even by expelling them the Convocation; so that they might not have any thing to do in the Government of the University; or delay the Reformation thereof intended by the Parliament. It was moreover order'd, that the Chancellor, Visitors and Proctors should be authorized to admit the said *Reynolds* into the Possession of *Dr. Fell's* Lodgings, and of all other Rights he enjoy'd in his College; the Parliament pronouncing the Deanery of *Christ-Church* to be in no wise subject to Episcopal Jurisdiction or Visitation, it being a Collegiate Cathedral Church.

Furthermore, Mr. *Rogers*, Mr. *Harris*, and Mr. *Langley*, were order'd to take on themselves the Offices of Canons of *Christ-Church*, under the Guidance of the Chancellor, Visitors, Vice-Chancellor and Proctors, and to enjoy all the Profits and Emoluments belonging to them as Canons; and that the Chancellor, &c. should be empower'd to admit any Person elected by the Parliament Committee, in any Headship or Government of any Society in the University, with all the Rights, Privileges, and Authorities belonging to them, as such. But the Heads and Governors of Colleges, &c. in no wise regarding these Commands of Parliament, still retained

retained and kept Possession of their Offices; and therefore it was order'd on the 17th of *March*, that they should be taken into Custody for their Contumacy; but they avoided this Imprisonment by Flight and by concealing themselves in Time. When a Report was made to the Committee, that they refused to yield up the Badges of their Offices in the University to the Magistrates lately appointed, and that the Beadles refused to appear, and perform their Duties; it was decreed, that they should be summoned to *London*, to render an Account of their Contempt; and, in the Absence of any Beadle, that the Visitors should have Authority to name any other fit Person in their stead, until they received further Commands hereon. Upon Information given the Parliament, that Dr. *Oliver*, President of *Maudlin College*, refused to quit his Office, and to obey the late Ordinance, the Committee transmitted Precepts to turn him out by Force; and in case of Resistance to bring him forthwith to *London* Prisoner; and the like Orders were issued out in respect of the aforesaid *Potter*, *Radcliffe*, *Bayley*, *Hes*, *Gardiner*, and *Morley*, none of whom would obey these Precepts.

A.D. 1648.

On the 30th of *March*, after several Persons had been cited and examin'd on Interrogatories touching the Jurisdiction of this Visitation, and the Causes and Consequences thereof, it was order'd, that Dr. *Sheldon* should be ousted of the Wardenship of *All Souls College*, and that *John Palmer* should succeed him, and that *Edward Corbet*, one of the Visitors, should succeed Dr. *Hammond* in his Canonry of *Christ Church* and Oratorship in the University, being expell'd from both; and that, on the Motion of Dr.

John

John Wall, and *Dr. Robert Payne*, Canons of this Church, *Mr. Cornish* and *Mr. John Mills* should be placed in their room. *Dr. Morris*, Professor of *Hebrew*, dying about this Time, the King named *Mr. Edward Pocock* late of *Corpus Christi College* to be his Successor in that Professorship, and a Canon of *Christ Church*; which the Parliament, at the Intercession of *Mr. John Selden*, ratify'd and confirm'd, altho' he was soon after deprived of the Canonry. There were many others indeed of great Loyalty remov'd from their Headships and Fellowships in the University, on the account of their Adherence to the King and his Interest, who on the Restoration of *Charles the 2d* were reinstated in their former Stations, or else preferr'd to high Dignities in the Church and State, according to their respective Merits and Abilities; but of these the Number being too great to be here particularly inserted, I rather distinguish the chief of them among the Heads of Colleges and Halls at the latter End of the Second Part of this Work, with a Star as they deserve: And proceed to speak briefly of the Situation of this Celebrated University, and thus conclude the *First Part*.

The University and City of *Oxford* are seated on a fine rising Ground, in the midst of a pleasant and fruitful Valley of a large Extent, at the Influence of the two Rivers *Isis* and *Cherwell*, with which they are encompassed on the East, West, and South, as also with a Ridge of Hills at a Mile's distance, or thereabouts, in the Form of a Bow, touching more than the East and West Points with the Ends; so that the whole lies in the Form of a Theater. In the Area stands the City mounted on a small Hill, and adorned with so many Towers, Spires and Pin-

Pinnacles ; and the Sides of the neighbouring Hills so sprinkled with Trees and *Villa's*, that scarce any Place equals the Prospect. It was the Sweetness and Commodiousness of the Situation (no doubt) that first invited the great and judicious King *Alfred* to make this Place the perpetual Residence of the Muses by his Liberalities and Encouragements : And the Kings of *England* have ever since (especially when at any time forced from *London* by War, Plague, or other Inconveniencies) been wont to remove hither, not only their Royal Courts, but the Houses of Parliament and Courts of Judicature : Many Synods and Convocations of the Clergy have also for the same reason been held here, of which as they have promiscuously happen'd in Order of Time, take the following Catalogue.

A CATALOGUE of Parliaments, Councils and Terms, that have been held at OXFORD.

A Parliament held at *Oxford* in K. *Ethelred's* Reign, 1002.

A Parliament at *Oxford* under K. *Canute's* Reign, 1018.

A Parliament at *Oxford* under K. *Harold Harefoot*, 1036.

A Conference at *Oxford* under K. *William Rufus*, 1088.

A Conference at *Oxford* in the Time of King *Stephen*.

A Council at *Oxford* against the *Waldenses*, under *Hen. 2d*, 1160.

A Council at *Oxford* under *Hen. 2d*, *Becket* Arch-Bishop, 1166.

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- A General Assembly at *Oxford*, at which *Hen. 2d* made his Son *John* King of *Ireland*, 1177.
- A Parliament at *Oxford* called *Parliamentum magnum*, temp. *Hen. 2d*, 1185.
- A Council at *Oxford* in the Time of *Richard the First*.
- A Conference at *Oxford* in the Reign of *K. John*.
- A Parliament held at *Oxford* in the Reign of *Hen. 3d*, which first gave Occasion to the *Barons Wars*.
- A Council at *Oxford* under *Stephen Langton*, Arch-Bishop, 1222.
- A Council at *Oxford*, 1227.
- A Council at *Oxford* under *Stephen* Arch-Bishop of *Canterbury* and his Suffragans, 14 *Hen. 3d*, 1230.
- A Council at *Oxford*, 1233.
- A Council at *Oxford* under *Edmund*, Arch-Bishop of *Canterbury*.
- A Council at *Oxford* by the Bishops, temp. *Hen. 3*. 1241.
- The Term kept at *Oxford*, 31 *Hen. 3d*.
- A Council at *Oxford*, 1247.
- A Council held at *Oxford* by the Bishops, 1250.
- A Parliament at *Oxford*, called *Parliamentum insanum*, 41 *H. 3*.
- A Council at *Oxford*, 1258.
- A Parliament at *Oxford*, 1261.
- A Parliament at *Oxford*, 1264.
- A Council at *Oxford* under Arch-Bishop *Peckham*, 1271.
- A Council at *Oxford* under *Robert Winchelsea*, Arch-Bishop, 1290.
- A Parliament summon'd at *Oxford*, 4 *Edw. 3d*.
- A Parliament at *Oxford*, Nov. 19. 1382.
- A Parliament at *Oxford*, 6 *Rich. 2d*.
- The Term kept at *Oxford*, 11 *Rich. 2d*.
- The Term kept at *Oxford*, 16 *Rich. 2d*.

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A

The Antient and Present State, &c.

A Convocation of the Clergy at *Oxford* by Archbishop *Arundel*, 1395.

A Parliament at *Oxford*, 1 Car. 1. 1625.

A Parliament summon'd at *Oxford*, 1644.

The Terms kept at *Oxford* *eadem temp.* it being the King's Head Quarters in the late Civil Wars.

A Parliament at *Oxford*, 1665. the Plague at *London*.

The Term at the same time kept at *Oxford*.

A Parliament at *Oxford*, 1680. but was soon dissolved then on the Pretence of a Plot hatcht by the Earl of *Shaftsbury* against the King ; but in reality a Plot of the Kings against our Government in Church, thro' his obstinate Refusal of Passing the Bill of Exclusion against a Popish Duke.

*Duke of
York.*



The End of the First Part.



THE
Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.

PART II.

CHAP. I.

*Of Colleges, Halls, and publick Buildings in
the University of OXFORD, and of their
Founders and especial Benefactors, &c.*



HAVING given the Reader a
View of the Antiquity, past
Government and Sufferings of
this University, from the *Danes*
and other barbarous People,
both foreign and domestick, &c.
in the *First Part* of this Under-
taking, I hasten now to treat of its Colleges,
Halls and publick Buildings; of their Founders

and especial Benefactors, &c. of the Laws, Statutes and Privileges relating thereunto in general, and of their Visitors and their Power, &c. which will make up the *Second Part* of this Work: And first, according to the Order here design'd, I will begin with its Colleges, Halls and publick Buildings; of their Founders and especial Benefactors, &c.

And here I must also acquaint the Reader (as I have elsewhere shewn) that antiently in *Oxford*, before the Students were supply'd with Colleges and Halls endow'd, they were wont to lodge in Citizens Houses. (as now at *Leyden* and many other Universities beyond the Seas) and had their Meeting Places to hear Lectures and to dispute, without any Distinction of Habit. After this there were divers Houses set apart proper only for Students to live together in Society (as now in the Inns of Court and of Chancery at *London*) and these Places being distinguish'd from the private Houses of Townsmen, were call'd either *Inns* from the *Saxon*, or *Hôtels* from the *French*, and at present are named *Halls*, wherein they then liv'd for the most part on the charitable Contributions and Exhibitions of the Nobility, Bishops, and other wealthy Persons, but now wholly on their own Expence; and this they did until several bountiful Patrons of Learning, in their Wisdom, thought meet to settle for ever plentiful Revenues in Lands and Houses, to maintain in Diet, Cloaths and Books, such Students as by Merit and Worth should from time to time be chosen thereinto, and to settle large Pensions and Salaries for Professors and Lecturers to instruct them, and for a Head to govern them according to the Founder's Will, and not his own; that is, according to certain Statutes and Ordinances made by

by the said Patrons or Founders, and these are now called Colleges; whereof the first thus endow'd in *Europe* were *University, Baliol, and Merton* Colleges in *Oxford*, all made Colleges in the 13th Century; altho' *University College* has been reckon'd a Place for Students ever since the Year 872. by the Royal Bounty of our aforesaid *Saxon King Alfred*, and was antiently called *Magna Aula Universitatis*; where were divers Professors, and all the Liberal Sciences read. And thus did these voluntary Contributions cease, and the Custom of living in Townsmens Houses grow into disuse, upon the Building, Endowment and Increase of Colleges, which we find were erected on very narrow Limits of Ground, if we consider their Beginnings. For in their Infancy almost every College was included within the Verge of some Hall or Tenement; and antiently many of them were called Halls, as *University Hall, Baliol Hall, Stapledon Hall, Queens Hall, &c.* as may be seen in old Writings, yet *Merton College* was for the most part called *Merton House*; and in *Edward the 3d's* Reign we meet with this College stiled *Domus sive Aula de Merton*, and *Domus sive Collegium de Merton*.

These Colleges have within their own Walls Lectures, Disputations, and all Professions in the Liberal Arts and Sciences read and taught, in some of them publick Lectures and Disputations for all Comers, and large Salaries for the Readers, infomuch that they seem so many compleat Universities, and are not inferior to some in our neighbouring Countries. The whole Number of Scholars in *Oxford*, living on the Revenues of Colleges, are about 1000, and of other Students, before this long War, about twice as many, besides Stewards, Mancipals,

Butlers, Cooks, Porters, Gardiners, Barbers, &c.

There were formerly in this University, before the Foundation of Colleges, 300 *Hospitia Studioforum*, Inns, Hostels or Halls, and, as *Richard Arch-Bishop of Armagh* writes, 30000 Scholars; and twenty Miles round *Oxford* were by the Kings of *England* set apart for Provision in Victuals (as elsewhere noted) for this University; and lastly, the Discipline of these Colleges and Halls is far more excellent and exact than in any foreign University.

Every Head or Governor of a College here is for the most part chosen out of the Number of Fellows, who actually are or have been of the Society, and this Election is made by the Votes of the Fellows thereof. But the *Dean of Christ-Church*, and all the *Canons* thereof, are to have their Title and Institution by Royal Grant; and as every College besides this is governed by its own local Statutes, Ordinances, and Customs, so is *Christ-Church* ruled by no other Laws than the Acts of the Dean and Chapter made *pro re nata*, and are revokable at pleasure by the Persons enacting the same; which solemn Acts are in the stead of Statutes, and by Custom are as obligatory, till reversed by the aforesaid Power; the Duty and Offices of all Persons acting in this Society being sufficiently known from Custom and antient Usage, without referring to these Acts.

All the Colleges here built are rais'd with hewn Square Stone brought from the neighbouring Quarries near *Oxford*, and are adorned with so much Elegance of Building, that almost the worst of them here, equals the best College in foreign Universities. Such as live on the Revenues thereof, are said to be of the
Foun-

Foundation, as the Head, Fellows, Scholars, &c. but the Commoners, and all others, live on their own Expences. It is the Duty of the Head to see that the Discipline of the College be well observ'd, according to the Statutes of the Society; to take care, that its Revenues be duly collected and paid; and also that its Rights and Privileges be maintain'd and defended; and in whose Power it is to be an excellent Promoter of Learning, if he has any Share thereof himself, and has Honesty sufficient to distinguish the Bees from the Drones; an *ignavum pecus* with which all Colleges are more or less infested. And thus much of Colleges and Halls in General; I in the next Place descend to speak of them in particular, and in the Course and Order of their Foundation.

UNIVERSITY-COLLEGE.

THAT this is the most ancient publick House of Learning in the University of *Oxford*, ought to be acknowledged by all Hands, as originally founded by King *Alfred*, placing therein 26 Students in Divinity, and for their better Support endowing them with annual Stipends out of the Royal Exchequer, which were constantly paid till withdrawn by the *Conqueror*, on a pretended Resentment already remembered. Yet some will have this to have been a Mansion for Scholars long before King *Alfred's* Days, even in the Time of *St. John de Beverley*, Archbishop of *York*, who (say they) receiv'd his Education here, and died in the Year 721. and for this they cite the Authority of a Parliamentary Petition in *Rich. II's* Reign; adding

hereunto, that this House was only rebuilt, and the Students provided with Exhibitions by King *Alfred*, who afterwards gave it the Name of *Great University-Hall*.

In a Letter to Pope *Eugene IV.* written by this University, it is called *Collegium antiquius Universitatis Oxon.* as it is in many others stil'd, *The elder Daughter of our Mother the University, &c.* That this Hall was demised to the Students about the Time of the *Norman Conquest* by the Citizens, then in Possession of it, thro' the Outrages committed here by the *Danes*, carrying all before them in their March thro' *England*, with Fire and Sword, is a Surmise not well grounded : For by the Confessor's Edict we find all Scholars restor'd to their ancient Rights and Privileges, and also to their Pensions as well as Habitations ; yet they let this Hall to the Scholars, even before King *Henry III's* Reign, tho' by what Right is not so well known ; and this they continued to do until *William* Archdeacon of *Durham* bought it out of their Hands with his own Money, and by his last Will and Testament gave it to the Scholars, for a learned Maintenance herein. Others say, *William Caerliph*, Bishop of *Durham*, was Founder thereof ; but the Manuscript Copy of Acts of the Bishops of *Durham* is herein silent ; and *Rass* affirms, that *William* the Archdeacon, for some Time a Fellow hereof, dying in his Return from *Rome*, endowed the same with Lands, &c. for this quoting *M. Paris*. *Leland* ascribes this Endowment to *William Shirwood*, a Person also herein educated, who, on his Return from *Paris*, and other foreign Universities, was made Chancellor of *Lincoln* ; yet he doubts about this *William's* Sur-name, affirming nothing positively thereof, ancient Writers recording only the Christian

Ch. I. of the University of OXFORD.

Christian and Sur-name of Men; as this last was often taken from some Dignity they had in the Church, or from the Place of their Nativity, whereby Posterity has been left much in the dark about them: He further adds from *M. Paris*, that *William* of *Durham* going to visit the *Roman Court*, was there chosen Archbishop of *Roan* in *France*; and dying on his Departure from that Court was buried at his own See: But whoever consults *M. Paris*, will find him speaking of the Rector of *Weermude*, and not of of this Archdeacon. *Bale* avowedly writing *Shirwood's* Life, makes no Mention of his endowing this College; and *Pitt*, a Follower of *Bale* in almost every thing, tho' he seems to know nothing of the Archdeacon's Munificence; yet in his *Appendix* he plainly ascribes those things to him, which in the Work it self he reports of *Shirwood*; so that the unwary Reader only consulting *Pitt*, may take both these for one and the same Person; but notwithstanding these various Opinions, the Archives of this College are mostly credited, making no mention of *Shirwood*, but only of *William* the Archdeacon, recorded to Posterity for his said Charity hereunto.

Nor was the Archdeacon only a Friend to this Society, but to the University also at large, bequeathing three hundred and ten Marks for the liberal Education of ten or twelve Students, which Money the Chancellor and Masters lent to Scholars, on Security given for the Repayment thereof, so that from the Interest hence arising, the said Number of Students might be supplied with Money for their Necessities. This prevail'd for many Years, as may be seen in a Letter from *Adam de Marisco* to *Rich. de St. A-* *A. D. 1256.*
gabe, Chancellor of the University, requesting the

the Loan of 40 *l.* of *Durham's* Money for *Sim. de Valenciennes*, and from several other Writings : And the University to increase the annual Produce of this Money, purchased certain Houses, *viz.* *Brazen-Nose* Hall, the *Lesser University* Hall, &c. which were then in the Townsmens Hands ; with a yearly Rent of 15 *s.* issuing out of two Houses in *St. Peter's* Parish in the East ; what other Rents or Tenements (if any before the 7th of *Edw. 1.*) were purchased, is not so well known, there being during this Period of Time, a great Silence of the Conveyances of Lands and Houses in and near *Oxford*. At length the Chancellor and Masters, willing to rid themselves of this Trust, assign'd *Durham's* Benefaction to a certain Number of Masters appointed by the Regents, as Overseers of the Archdeacon's Will, now dead 30 Years, as some will have it ; who finding that the University had borrow'd 100 *l.* and upwards of this Sum, and that the Residue being lent to divers Persons, was not repaid, a Delegacy of four Masters was settled thereupon, for the Administration of this Charity, according to the Form of an Election, too long and tedious here to relate : And the Bursar of this College afterwards laid out the Residue of *Durham's* Money on advantageous Purchases, as often as they offer'd themselves, buying a large House, now called *Salverne-Hall*, called formerly *Spicers-Hall*, and in *Henry III's* Time stiled *Durham-Hall*, from *Andrew of Durham*, then a Citizen in *Oxford*, which was the same Hall as founded by King *Alfred*. The Masters and Scholars now in Possession of this House, resolved to make it the perpetual Habitation of this Society, which afterwards taking its Name from the University, was called Great University-

A. D. 1280.

6 Edw. 3.

fy-Hall, it being greater than the other two, filed the Lesser *University* Halls; yet it was for some time called *Durham-Hall*, from *William* of *Durham*, by whose Money it was purchased, which is the most probable Opinion.

In the Archives of *University* College there is a Charter fortified with the Seal of the University, which mentions *William* of *Durham* this *A. D.* 1220. Year, a Transcript of which appears in the College Statutes even to this Day; tho' *M. Paris* avers that *William* of *Durham* did not die until the 49th of *Hen. III.* which must be a Mistake in him, since the aforesaid Charter granted by the Chancellor, Doctors in Divinity, and Proctors of the University, in pursuance of *Durham's* last Will and Testament, bears Date in the Fourth Year of the said King's Reign; and in the same there is mention made of his Executors paying 400 Marks to the said Chancellor, Doctors and Proctors; which surely was not done before the Testator's Decease; and if not, it is a plain Proof that he died before the Time assign'd by *M. Paris*.

About the Year 1292. the University made the first Body of Statutes for the Government of the Masters and Scholars of this College, which prevail'd till the Year 1311. when certain new Statutes were delivered under the University Seal, and for the further Confirmation thereof the College procur'd the affixing of the Seal of the *Court Christian* of *Oxford*; and these Constitutions and Ordinances, with some others made about the 3d of *Rich. II.* were in Force until the Year 1475. at which Time the Number of Fellows and Scholars were encreas'd, and in three Years after some other Statutes were made and publish'd, most of which do retain their Force to this Day, but want much Regulation

lation and Amendment, as well as some additional Injunctions; and, if I am not mistaken, a Royal Confirmation for the better Continuance and Establishment of them.

In the next Place, designing to speak of especial Benefactors who have increas'd the Number of Fellows and Scholars in this College, by bestowing on them Liberalities in a lesser Degree; such as was *Walter Skirlaw*, Bishop of *Durham*, who, on a Purchase of the Mannor of *Rothyng* in *Effex*, gave it to this College, for the Maintenance of three Fellows, born within the Diocesses of *York* or *Durham*, and to be chosen (contrary to the *Durham* Statutes) without Respect to any Degree; yea, tho' Under-Graduates, provided they be of approv'd Morals and Learning; and, besides other bounteous Acts, he gave some Manuscript Books, and among them his own Treatise about Generation and
 — 1406. Corruption; and dying *March* 24. the Society were formerly wont every Year to say a solemn Mass for his Soul, with a Deacon and a Sub-Deacon, on the 23d of *February*. Tho' this was not the first Benefactor after *William* of *Durham*; for about the Year 1319. one *Phil. de Beverley*, Rector of *Kangham*, sometimes call'd *Phil. Yugilberd* gave to this Society an Estate at *Paghley* in *Holderness*, for the Maintenance of two Fellows born at *Beverley* in *Holderness*, and in the neighbouring Villages; and if none of these Natives were found fit, they might be chosen elsewhere at Pleasure: And soon after, *Rob. de Repingham*, Chancellor of *York*, gave 300 Pounds for the Purchasing of Estates, for the Support of other Fellows in their Studies, allotting to each of them 6 Marks *per Annum*, and the Remainder to be expended on their Robes; but these Benefactions of *Yugilberd* and *Repingham*, have

have long since been lost; especially the latter, which *Pet. de Langton* vainly endeavour'd to recover.

Hen. Percy, Earl of *Northumberland*, and Lord of the Mannor of *Cockermouth*, at the Request of the University, in Aid of this College, (whose Revenues were now in a very low Condition, thro' the Chancellor's Application of them to the Payment of Debts, and Repair of Buildings) gave the Advowson of the Rectory of *Arheliffe* at *Craveny* in *Yorkshire*, with three Acres of Land there situated, to the Master and Fellows of this Society, in Dr. *Barton's* Head or Mastership: This he gave for the Subsistence of three Students of the Degree of Master or Bachelor in Arts, and of the Dioceses of *York*, *Durham*, or *Carlisle*, to be chosen into this College for the Study of Divinity, and to enjoy all the Rights and Privileges of Fellows; and soon after caused this Benefice to be appropriated to the College, with a yearly Pension of twenty Marks, to be reserved as a Stipend for the Vicar; whereof the University wrote two Letters, one to *John Kemp*, Archbishop of *York*, and the other to the Dean and Chapter thereof. Cardinal *Beaufort* gave 40 Marks to this College, for the Building of a new Hall, adding some new to the old Buildings, which were in a ruinous Condition.

Joan Davis, the Wife of *Roger Hewet*, a Citizen of *Oxon*, gave some Tenements, Lands, &c. lying in the Parishes of *St. Martin* and *St. Thomas*, in *Oxford*; whereupon this College for ever oblig'd it self to pay yearly from the Rents thence issuing, the Sum of forty Shillings for the Maintenance of two *Logick* Lecturers, or one *Logick* and the other a *Philosophy* Lecturer, in this College: She also gave Five Pounds and Ten Shillings

lings for the Augmentation of the Masters and Fellows Commons ; and on every *Christmas* Day two Shillings and four Pence to the Prisoners in the Castle at *Oxford*, as she also did at *Easter* ; and to the Prisoners in *Bocardo* she gave one Shilling at *Christmas*, and another at *Easter*.

- A. D. 1587. Robert Dudley, Earl of *Leicester* gave to this College some Lands and Estates lying in *Montgomeryshire*, for the Maintenance of two Scholars, to be named by his Wife, during her Lifetime, and afterwards by his Heirs, and these were to receive the Sum of Twenty Pounds each of them for their respective annual Stipends ; and he soon after was succeeded in his Benefaction by *Otho Hunt*, formerly a Fellow of this College, and then Rector of *Methley* in *Yorkshire*, who gave a Free or Copy-hold Estate in this Parish for the Maintenance of one Scholar to be elected from *Swinton* in the Parish of *Worth*, or any other Part of the said Parish ; and also from the Parishes of *Kirkburton* and *Methley* ; and lastly out of any Place within the Diocese of *York* ; and in Defect thereof from the neighbour Counties.

- 1592. John Friefton of *Altofts*, in the same County, gave some Lands at *Pontefract* for the Subsistence of one Fellow or Exhibitioner, to receive from the Rents thereof Ten Pounds *per Annum*, besides the Use of a Chamber, and an Exemption from Expences call'd *Decrements* ; nor was this all ; for he also made a Provision for two Scholars to be chosen out of *Yorkshire*, assigning them a yearly Rent of Five Pounds, besides some Profits and Emoluments out of the afore-said Estate at *Pontefract* ; and moreover, gave the College a Sum of Money, with which was purchas'd a Dwelling House on the West side of the College ; which being repair'd, was made
into

into Chambers for Scholars; the Area of which House, since pull'd down, and a small Part of the back side is now taken up by the West side of the new Quadrangle, and by so much of that side as Frontwise looks to the Street, and is in St. Mary's Parish.

Rob. Gunfley, sometime a Scholar of this College, and afterwards Rector of *Tittesley* in *Surrey*, gave hereunto the Impropriation of *Flamstead* in *Hartfordshire*, assigning 60 Pounds *per annum*, being half the Revenue to the Vicar, and the Residue to four Sholars allied to him in Name or Blood: And the same Year *Charles Greenwood*, heretofore a Fellow of this College, and then Rector of *Thornhill* in *Yorkshire*, out of the Money laid up and sav'd from his paternal Inheritance in Value 500 *l. per Annum*, order'd the Purchase of an Estate of 100 *l. per ann.* for the Maintenance of certain Fellows and Scholars particularly to be chosen out of *Yorkshire*; but one *Foxcroft*, a Curator of his Will, behav'd himself with so much Knavery herein, that the College never acquir'd more than 1500 *l.* bequeath'd for the erecting of new Building, (besides the aforesaid Charity) tho' they commenced several Law-suits against him for it; with which Sum of 1500 *l.* they began on the 14th of *April*, 1634. to new build the West Side of the present Quadrangle, and in two Years Time finish'd the same; and then in the Year 1638. Sir *Simon Bennet* entirely built the Front, as we now behold it, at his own Cost and Expence; and as to the other sides of the Building in the Quadrangle, they have been rebuilt by Benefactions, as they have come in, and the whole makes a very neat Structure, especially the Hall and Chappel, on the South side of the Court, which are very elegant: And thus Sir *Simon Bennet*,

Bennet, prevail'd on by the Example of his Guardian, shew'd himself the greatest Benefactor of all, ever since *William of Durham's* Days, and for his Liberality ought to be commemorated next unto the Founder himself; for in the Middle of King *Charles the First's* Reign, besides Building, as aforesaid, he gave some Estates in *Northamptonshire*, for the Maintenance of sixteen Students in the University, one Part of which he gave to the Fellows, and another Part to the Scholars of this Society; but the Rents arising from thence in no wise coming up to his Expectation, he only allotted four Fellows, and as many Scholars, to live thereon; so that at this Day there are twelve Fellows, viz. two on *William of Durham's* Foundation; (for the Profits and Emoluments of two Fellowships have for many Years since been given to the Master as his Stipend) three on *Walt. Skirlaw's*, three on *Earl Percy's*, and four on *Bennet's* Munificence. The Scholars of this College are ten in Number. The Benefactors of lesser Note were many, especially before the Reformation of Religion here in *England*, who were liberal hereunto for the sake of having Masses said for their Souls: Of these were *John Crosby*, Treasurer of the Cathedral Church of *Lincoln*, who gave forty Pounds; the Lady *Alice Belacys*, who gave several Tenements at *Newcastle upon Tyne*; *Ralph Hampsterley*, Master of this College, who gave a yearly Pension, and repair'd the Buildings thereof, ready to fall in many Places; *George Stavelley*, of *Bignell* in *Oxfordshire*, gave fifty Pounds, with which an Estate of fifty Shillings *per ann.* was purchased, 26 Shillings and 8 Pence of which was allocated to one of the Fellows in holy Orders, whose Duty it was then to say Mass in the College Chappel, at the South Altar

Altar thereof, for the Soul of the said *George* and *Isabel* his Wife; and also of *John Staveley*, and other Friends, as oft as he should think fit, and the Remainder was to be divided on the Day of his *Obit*, (when some sacred Offices were to be performed in Commemoration and for the Salvation of the Man) in this Manner, viz. Three Shillings and four Pence were assign'd to the Master and Fellows for a Gawdy Day, two Shillings to the Manciple and chief Cook each, to the Bible-Clark four Pence, and to the lower Cook a Penny; and the Residue was to be distributed between the Master and Fellows that Day present.

After the Reformation, *Sim. Perrot*, sometime Fellow of *Magdalen* College, settled a Stipend for a Sermon to be preach'd at *St. Peter's* Church in the East, on the Feast of *St. Simon* and *Jude*, by a Fellow of this College, and in defect thereof by a Commoner, or, lastly, by a Fellow of *Magdalen* College, in the Forenoon of that Day; which Stipend is issuing out of a House and Land in *Oxfordshire*, given to the College for this End.

The Building of this College being too narrow and scanty for the Reception of the great Number of Scholars resorting hither, *Whiteball*, on the South side adjoining to this House, and fronting *Kybold-street*, was purchased; and soon after some other Tenements were added to *University-Hall*; for that which was lately called *Salverne-Hall*, was now stiled Great *University-Hall* (as before observ'd) in respect of King *Alfred's* Foundation; and particularly a Tenement lying on the West side, purchas'd of the veiled Nuns of *Stodeley*.

In the Case of Mr. *Usher*, who mov'd for a *Ban. Reg. 2. Maidamus* to the Vice-Chancellor of the Uni-*W. 3. Mi. h.*

versity of *Oxford* for refusing to admit of his Appeal, made to the said Vice-Chancellor and Convocation on a Sentence of Expulsion from this College, it became a Question whether the said Vice-Chancellor and Convocation were Visitors of the same; for it was affirm'd, that the Body of the University in Convocation were legal Visitors hereof: But whoever reads the Statutes of this College, and considers the many Precedents thereon in relation to this Visitatorial Power, must acknowledge the Vice-Chancellor, Doctors in Divinity, and the two Proctors of the University, to be the Visitors hereof, and not the Convocation at large, as then contended for.

In the Year 1711. this College was visited by the Vice-Chancellor, Doctors and Proctors, (as aforesaid) in the Case of Mr. *Thomas Allen*, a Fellow thereof unduly depriv'd (as was alleg'd in his Appeal) for that he had been in the Possession of an Ecclesiastical Living beyond the Time indulg'd by the local Statutes of this College: But upon Mr. *Allen's* Pleading for the wonted Practice of the Fellows, (tho' contrary to Stat.) of holding their Fellowships with Church Preferments, &c. two Statutes or Ordinances were made then by the Visitors, the one commanding all Fellows to quit their Fellowships, at the Expiration of one Year after their Institution into any Rectory or Vicarage; and the other enjoining all Fellows thus instituted, to give Notice or Intimation of such Institution to the College, within the Space of one Month after receiving the same; under the Pain of forfeiting the Benefit of this Year of Grace.

In the Year 1557. there happen'd a Contest among the Fellows of this College, about the
 Choice

Choice of a Head, whom they call *Master*, which was referr'd to the Visitors.

BALIOI-COLLEGE.

ABOUT this Time there appear'd in *A. D. 1168*, *Oxford* many worthy Patrons of Learning, beginning to furnish this Place with Colleges, Halls, and other publick Buildings; and in Respect of those Times to endow them with ample Revenues (for as yet no College or Hall was formally endowed) for the Support of Literature, among whom was *John Baliol* of *Bernard-Castle* in *Yorkshire*, Knight, Father of *John Baliol*, King of the *Scots*, who designed the Foundation of a College here for the liberal Education of poor Scholars; on whom he settled yearly Exhibitions, until he could provide them with a House, and other Accommodations; which pious Work he lived not to see finish'd, dying soon after he had projected the same: 1169. But at the Time of his Death he recommended the Perfecting of his Charity to his Relict *Devorgilla*, and the Care of his Testamentary Executors, praying them to see these Stipends duly paid and apply'd, and not to suffer his Munificence to sink. Whereupon, after mature Deliberation about the fulfilling of this Trust, (these Stipends being to be collected from the Inheritance already wasted on his Funeral Expences) *Devorgilla*, with the Consent of his Executors, settled these Exhibitions on a House which she rented of the University in *Horse-master-street*; and this she did at the Perswasion of *Richard Sticksbury*, his Confessor, and a Monk Fryar; (as 'tis said.) *Mary de St. Paul*,
S 2 Coun-

Countess of *Pembroke*, before founded, and endowed *Pembroke Hall* in *Cambridge*, at the Request of her Confessor, a Fryar of the same Order.

Devorgilla maintain'd these Scholars on these Revenues in the said House, until such Time as she had purchased an Estate for them, and established the same unto them for ever; and when they had liv'd for some time here, she prescribed and transmitted to them, under her own Seal, a Body of Statutes, according to which she would have her College Affairs to be administered, and her Scholars govern'd; which Statutes were first delivered to *Hugh de Haverghil* and *William de Meryl*; the one a Minorite, and the other then a Scholar at *Oxford*; whom she made her Proctors, (for so were the Heads of the College then called) to inspect and super-intend the Government of this Society, commanding all her Fellows or Scholars to yield Obedience to them in all Things relating to the Good and publick Weal of the College; and these Statutes given at *Basel* were observ'd until forty Years afterwards, when some Dissatisfaction arose among the Artists of this House, being any longer unwilling to follow the Exercises of Arts according to the Exigence of the said Statutes; but applying themselves to superior Faculties, were prohibited the same by the Visitors, or extrinseck Proctors, (for so were the Visitors of this College then styled:) This Matter, on a Reference to two Doctors, and as many Masters, formerly of this House, *Rich. de* being of the Number, was at length, on hearing all Sides, decided in the publick Hall thereof against the Fellows: And it was adjudg'd, that none of them, either in Term or Vacation Time, ought to apply themselves

selves to any other Faculty than that of Arts; but ought to attend these Lectures in their proper Schools.

Two-Years after the passing of these Statutes, *Deuorgilla*, empower'd by a Royal Charter, purchased a Tenement of *John de Ewe*, a Citizen, called *St. Mary's Hall*, on the West side thereof contiguous to a House for some time belonging to *Geoffrey Smicer*; and gave it, with three Acres of Land, lying to the East and North thereof, to the Principal and Scholars of this College for ever, as a perpetual Habitation for them. *Thomas de Ewe* the Son confirming as Heir his Father's Grant; which she afterwards rebuilding and adding new Edifices therunto, the said Men began to inhabit, leaving their old Mansion rented of the University, which taking its Name from its antient Inhabitants, was afterwards, for Distinction-sake, called *Old Balliol Hall*; and the same Year she settled and endowed this Tenement with Lands bought at *Stamfordham* or *Stamfordham*, and *Horsb* in *Norfolk*, by the Executors of her Husband's Will, granting the same to the Principal and Scholars, and their Successors for ever: And this she did in the Presence of *Anthony Bishop of Durham*, *Oliver Bishop of Lincoln*, *Reg. de Rodwell* Chancellor of the University, *Sam. Gandave* Archdeacon of *Oxford*, and many others; and that the Charity began by her Husband might be perpetual, she caus'd the same (as 'tis said in her Charter of Foundation) to be erected in Honour of the *Holy Trinity*, the *Blessed Virgin Mary*, *St. Katharine the Martyr*: And for the better and better Establishment of this Benefaction, it was afterwards ratify'd by her Son, *John Baliol*, King of *Scotland*, and *Oliver Bishop of Lincoln*; and three Years

after the said *Devorgilla* and her Husband's Executors discharg'd the said Principal and Scholars from all Debts whatsoever arising from the Beginning of the World to that Time. Yet notwithstanding what has been said from Annals of undoubted Credit, some Historians or Antiquaries will have it, that this College was founded by his Son, *John Baliol*; and others make *Sir Edward Baliol* his Nephew, to be the Founder thereof, passing by *John Baliol* the Father, and *Devorgilla* his Wife.

For their Original Stipends, every Fellow (in Number sixteen) was to receive Two Pence on *Sundays*, and a Penny every other Day in the Week; which Sum a certain Writer says, *Sir John Baliol* assigned and allocated out of the first Estate of this College, not exceeding 27*l.* 9*s.* 4*d.* per ann. but was soon after augmented by the Liberality of other Benefactors: For no sooner had *Devorgilla* finish'd this Work, but we meet with *Hugh de Wickenbroke*, commonly called *Hugh de Wien*, who gave a Soke of Land and some Dwelling-Houses in *St. Lawrence Jewry* in *London*, with the Right of Advowson to this Parish Church, purchased of *Hen. Facet*, to whom it descended from *William Facet*, who acquir'd the same by a Royal Grant, (it formerly belonging to the Abbot and Convent of *Montrevelle* in *France*) with all the Appurtenances; and the next Year, by the Consent of the Bishop of *London*, the Dean and Chapter of *St. Pauls*, and the Vicar incumbent, this Church was appropriated hereunto, on the yearly Payment of a hundred Shillings to the Vicar hereof, issuing out of the Offerings and small Tythes; as appears by a Composition then made.

Then *Hugh de Warkenby*, and *William de Gosham*, (the one Principal, and the other not long before

before a Fellow hereof) gave four Messuages in *Schoolstreet*, for the Maintenance of a Chaplain, to celebrate Divine Service in *St. Catherine's* Chappel within this College : And *Richard de Hunsford*, in Imitation of these Men, gave a House in the City, lying Eastward of *Alban Hall*, with some other Lands in *Oxfordshire*, for the Support of another Chaplain ; and in this King's Reign many other Benefactors following the Example of *Hunsford*, gave several Messuages in *Oxford* to this Society, which I now forbear to mention, being chiefly of the Number of Halls and Schools, to be treated of elsewhere.

Hitherto each Fellow only received eight Pence per Week, and were under an Obligation of leaving the College, as soon as they had taken a Master's Degree in Arts ; from whence it came to pass, that such as were in indigent Circumstances, either apply'd themselves to Mechanick Trades, or were forced to beg for their Subsistence ; whose Condition was pitied by every good Man : Hereupon did Sir *William Felton* give to the Scholars of *Baile College* the Rectory of *Abboldesley* in *Huntingtonshire*, with the Manner belonging thereunto, increasing the Number of Scholars, and the Weekly Stipend of each Fellow to twelve Pence ; besides the Monay given by him for the buying of Books and Cloaths for them : And *P. Clement* the 5th. confirm'd this Gift by the Appropriation of the said Rectory to the College, and at the same Time provided for a Vicar's Stipend, and also ratified *Felton's* Statute or Constitution touching the Non-Ejection of Fellows, tho' they should take their Master's or Doctor's Degree, before they attain'd any Ecclesiastical Benefice or Preferment.

14 Edw. 3.

Sir *Phil. Someryle*, Lord of the Mannor of *Wickmore* in *Staffordshire*, by a Conveyance gave to this College the Church of *St. Michel Berton* in the County of *Northumberland*, with some other Estates in the same Parish, for the Maintenance of six Scholars, to be added to the antient Number of sixteen Fellows, who with a Desire of having all the Fellows subject to one Form of Government, made new Statutes, some of which thwart and contradict *Devorgilla's*; wherein 'tis thus ordain'd, viz. 1st, That these Scholars to be chosen by the Votes of the sixteen Fellows shall be of the Neighbourhood of the said Parish, and be of the Number of poor Children. 2^{dly}, That the Fellows should chuse themselves a Master, (for so he would now have him stiled) by common Suffrage, to preside over the Fellows, Chaplains, Scholars, Servants, &c. of the College; and after their Election of him they were to present him to the Lords of the Mannor of *Wickmore*, (so long as it remain'd in the *Someryle* Family) and then to the Chancellor of the University or his Commissary, and lastly, to the Warden of *Durham-College*, &c. by whom according to the aforesaid Order, he was to be admitted without Delay to his Office, after he had first taken an Oath to the Observation of *Someryle's* Statutes. 3^{dly}, That six of the Fellows should be appointed and assigned for the Study of Divinity, after they had compleated their Regency in Arts, and from thence were for six Years obliged to be *Opponents* therein at Disputations; and after nine or ten Years, to be reckon'd from their Inceptorship, they were admitted to expound the Master of the *Sentences*, which Batchelors in Divinity were wont to do *pro forma*; and after twelve or thirteen Years they became Inceptors in Divinity. 4^{thly}, That every

every Fellow or Scholar should have an Allowance of eleven Pence, and in case of the Dearness of Provisions fifteen Pence, for his Weekly Commons, unless the Master and Fellows should think fit to make another Allocation. And lastly, That they should have a perpetual Chaplain; with Lodgings, &c. in the College, whom they were bound to admit on the Presentation of *Somersey* and his Heirs, provided he was ~~found~~ fit, in respect of Morals and good Learning; for such Office; who was to enjoy the Privileges and Emoluments as the Scholars were then in possession of. These Statutes bear Date *October* the 18th, and were afterwards A.D. 1340. approv'd by *Richard* Bishop of *Durham*, and finally ratify'd by *Edward Baliol*, King of the Scots.

Two Years after this Donation of *Somersey*, *Thomas Gower*, Rector of *Welwyke* in *Yorkshire*, left a Hundred Pounds in the Hands of *William de Bussy*, Clerk, whereby three Rectories, viz. *Wykeham*, *Ryborne*, and *Brokleby*, in *Lincolnshire*, were purchased, and given to this College, for increasing the Number of Scholars: What the ancient Number of Scholars was at that Time I know not; but there was an Ordinance made by *Simon* Bishop of *London*, (the Pope's Commissary) about twenty Years after; whereby the Number of them was not to exceed the Sufficiency of the College Revenues; which Ordinance appears in a Body of Statutes made by this Bishop, correcting *Devaugilla's* and *Somersey's* Statutes. And the Number of Scholars multiplied by this Means continued the same till the Master and Scholars obtain'd Letters from Pope *Julius II.* to the Bishops of *Windsor* and *Carlisle*, for the making of a new Body of Statutes on Reasons set forth and given in

in the *second* Chapter thereof; wherein it is ordain'd, that besides the Master, there should not be above ten Fellows, who were oblig'd to the Study of Divinity and holy Orders, four Years after their taking of their Masters Degree; and that the Master should have the Right of Naming and Presenting two; and that each of the Fellows should have the Right of Naming and Presenting one Scholar; yet with this Proviso, that each of them should be approv'd by the Master and senior Fellow; whose Duty it was to serve and wait on the Master and Fellows, by whom they were chosen, with this Caution observ'd, that they do not exact of them too rigid Service, that they may not be hinder'd in their Studies.

Two of the Fellows are to be in Priests Orders, tho' but Batchelors in Arts, for the Celebration of Divine Service every Day in the Chappel; and there are to be two Deans, and as many Bursars yearly chosen: And moreover, it was decreed, that the Number of the Scholars might be diminish'd or augmented according to the Diminution or Augmentation of the College Revenues; and at this Time the Number consisted only of a Master, twelve Fellows, and fourteen Scholars.

Tho. Harrops, Rector of *Hazely* in *Oxfordshire*, and for sometime a Fellow or Scholar of this College, appointed Trustees, and enjoin'd them to grant all the Rents and Profits of his Farms and Tenements in *New and Old Woodstock*, *Wootton*, *Nethercote*, *Tackley*, *Banbury*, and *Oxford*; from *Lady-Day*, 1522. to the Master and Scholars of *Baliol College*, and their Successors, for the Maintenance of certain Scholars of his own Country in good Letters, which sufficiently appears from a Composition between the
Master

Master and Fellows on the one Part, and the *Rich. Subb.*
 said *The. Hatrop* on the other Part, who made
 this Gift *anno* 1517. and dying in the Begin-
 ning of July 1522. was buried in *Hazely Church*.

Dr. *John Bell*, Bishop of *Worcester*, a little
 before his Death, assigned several Estates which *A. D. 1556.*
 he had in *Clerkenwell*, in the Suburbs of *London*
 for the Maintenance of two Exhibitioners to be
 chosen out of *Worcestershire*, and to be kept in
 their *Schollies* in this Society; as *Peter Blundell*
 of *Trenton* in *Devonshire*, dying towards the lat-
 ter End of *Queen Elizabeth's* Reign, bequeath'd
 2000 l. for the Maintenance of six Scholars at
Oxford and *Cambridge*, to be chosen from *Tiver-*
ton School; with the third Part of this Money
 some Estates were purchased in *Oxfordshire*, for
 the Education of one Fellow and two Scholars in
 this College, to be elected as aforesaid; and
 this Revenue was conveyed and ratified to *Ba-*
liol College, in the 13th of *King James* the
 First's Reign, by a Covenant then entred into
 between the said College and the Executors in
 Trust.

Mary Dunch, Wife of *William Dunch*, of
Brightwell, in *Berkshire*, gave a yearly Estate of ——— 1605.
 Ten Pounds for the Support of one Scholar; and
John Brown, S. T. B. Vicar of *Basing-stoke* in
Hampshire, formerly a Scholar of this House,
 and then a Fellow of *University College*, gave an ——— 1607.
 Annuity of two Pounds and twelve Shillings, is-
 suing out of certain Lands in that County, to one
 Exhibitioner born at *Basing-stoke* aforesaid.

The Lady Eliz. Periam of *Greenland* in *Berk-*
shire, Relict of *Sir William Periam*, Knight, and
 Baron of the Exchequer, gave very handsome ——— 1620.
 Exhibitions to one Fellow and two Scholars of
 this College, on condition they enjoy'd the Pri-
 vileges as the old Fellows and Scholars possess;
 which

which she would have to enjoy her Charity for three Years, after taking of their Batchelor's Degree, adapting her Munificence to the Statutes of this College, and making it more suitable, and would have these Exhibitions increase or decrease according to the Augmentation or Diminution of the College-Revenues, which is not found in *Blondell's Statutes*. Thus did *John Warner Bishop of Rochester*, give eighty Pounds per Ann. to be paid out of his Mannor of *Swanton*, as Exhibitions for the Maintenance of four *Scotchmen* in this College, until such Time as they took their Master's Degree.

A. D. 1666.

The Heads and Governors of this Society were at first called *Proctors*, and sometime afterwards they were stiled *Principals*, and lastly they had the Honourable Title of *Master* given them, which they now enjoy, being according to this Variety of Stiles vested with a Diversity of Power from the several Bodies of Statutes given unto this College; for they were called *Proctors* until the Year 1282. when they were impower'd by their Statutes to chuse for themselves a *Principal*, and then the Domestick Care of the Proctor ceas'd, and went into a Visitorial Power, the Right of deciding all Controversies happening between the Fellows, or the Fellows and the Principal, being reserved to them as Visitors, and then *Extrinsick Proctors*. Sometime transmitting a Body of new Statutes to the College, and not pleased with the antient Appellation of *Principals*, they were stiled instead of it *Extrinsick Rectors*, and the *Principals* began to be called *Presidents*, &c. and *Extrinsick Præsumptorial Power* lasted until the Bishops of *Winton* became Visitors of this College, and then it vanished upon the Bishop of *London's* giving new Statutes hereunto, whereby it was ordain'd, that

— 1340.

— 1364.

that if any thing seemed too strait or severe to the Master or Fellows, the Bishop of London might amend and correct the same; which thing afterwards happen'd in the Years 1633. and 1673.

The Scholars of this Society first inhabited Old ~~Bail~~ Hall, on the Area whereof was lately built a Dwelling House call'd *Hammonds-Hous*, after that, *Devorgilla* (as afore said) had them translated to St. *Mary* Hall, then situated near the South-west Corner of the present Quadrangle; to which, by a Purchase of three Acres of Ground she added a Hall, Kitchen, and other out-Buildings, with pleasant Walks and Groves. Soon after the Fellows of *Balial* purchasing several Pieces of Ground (two of which lay in *Hampden-street*, and a third between *Balial* Lane on the West, and Land belonging to *Slater* on the East:) *John*, Son and Heir of *Walter de Fettesplace*, conveyed both these Pieces of Ground to *Tho. de Herworth*, and *Tho. de Fettesplace*, Fellows of this College, who soon after gave the same to the Society. To these they afterwards added two other Pieces of Ground on the East, contiguous to the former, and reaching to the Passage or Alley now leading to the Fore-Gate of *Trinity*-College, heretofore belonging to the Monks of *Durham*, and given to *Balial* College by *Gilbert de Pontefract* and *Tho. de Humbleton*, Fellows, after they had purchased the same of *John Fettesplace*, Citizen of *London*. In the 16th of *Edw. 3. Will. A. D. 1342.* *de Brereton* and *Tho. de Cave*, formerly Fellows, gave unto this College a Tenement between *St. Mary's* Hall and Old and New *Balial*-Hall; Both of the Ground-plots (for I pass by another lying on the Street to the East-side of St. *Mary's* Church, which being bought for

A. D. 1291.

for enlarging their Walks, was convey'd by *John* the Son and Heir of *Geoffrey Saucer*, an *Oxford* Citizen; to *Walt. de Foderingey*, Principal of this College, and *Will. de Bonkis*, Fellow thereof) taking up the Room of the Front of the present Quadrangle, and a void Spot of Ground on the West side of the College, where *St. Margaret's* Hall once stood, with a large Parcel of Ground lying behind this Front, and reaching to *Geoffrey Saucer's* Land.

The Fellows of *Baliol* having got sufficient Ground, began to enlarge their Buildings, and to fit them for the Reception of Scholars, which now came hither in so great Numbers, that they were forced to live in Halls and neighbouring Inns; and tho' they wanted not Benefactors, yet they built with so little Beauty, that in *Hen. VI's* Reign they pull'd some of these Buildings down, and on the Area thereof erected the greatest Part of the present Quadrangle; the most ancient side hereof looking Eastward was built by some Noblemen and Bishops formerly Students herein, tho' we know not their Names; as in this Reign was built all the North side but the Library and Chappel; the West side consisting of the Hall and Buttry, &c. was built at the Cost of *William Grey*, Bishop of *Ely*, *George Neville* Archbishop of *York*, and others, whose Names and Arms are on the Windows and Walls hereof; but the Front or South side was not erected till *Henry VII's* Time, when the same was set up by the Contributions of many well-disposed Persons.

The Library of this Society ought to be esteem'd among the chief of those belonging to private Colleges, as well in Respect of its Edifice, and the just Measure of Light let thereinto, as in Respect of its learned Furniture of Books;
the

the Western Part of which being a Moiety thereof was rais'd by Dr. *Thomas Chace*, and the Eastern Part by *Robert Abdy*, Master of this House, assisted herein by the aforesaid *Grey*, who furnished the same with at least 200 Manuscripts, purchased almost at any rate; many of which have the Bishop's Arms painted on the Cover or Lids thereof, and were for the most part of the Number of such Books as he had then bought up in *England* and *Italy* at a great Expence; who whilst he was at *Florence* and *Venice*, &c. spared no Costs in buying Plenty of the best Books, to import into his own Country: But at length many of them in the Faculties of School-Divinity, Mathematicks, &c. were by some means or other stolen away.

A. D. 1431.

— 1477.

Edw. 6.

I conclude my Remembrance of this College with the Benefactions of *Tho. Gascoigne*, former Chancellor of the University, who not only gave handsomely to the Building of this Library, but also many Manuscripts thereunto; and *Archbishop Abbot*, for the Repair hereof, and for encreasing the number of Books, which he wanted very much after the Reformation, gave a large Sum of Money for these Purposes.

The first Chappel of this College was a kind of Oratory, annexed to *Magdalen Church*, in which the College is situated; and the second was built about the Year 1293. with the Money left by *Devorgilla* at the Time of her Death chiefly for this End, and dedicated to *St. Catharine*; wherein Divine Service was performed and administred by the Licence of *Oliver Sutton*, Bishop of *Lincoln*; until *Henry VIII's* Time, when the present Chappel was erected, thro' the Benefactions of many Persons, on the North side of the Court, which is handsome enough,

nough, altho' it be not a splendid Edifice :
was begun in the 13th Year of this King's Reig
1521, and not finish'd till the Year 1529.

All that I shall farther add of this Colleg
is a very remarkable Privilege, and enjoyed b
no other Society in this University, which
that the Fellows not only elect their own Hea
or Master, but their Visitor also ; which Priv
lege has given some other Colleges much Rea
son to envy the Happiness of this in this Poin
by having sufficiently suffer'd heretofore, thro
the Partiality and unwarrantable Proceedings o
their appointed Visitors, who will surely here
after have their Judgments questioned by ano
ther Tribunal, which knows no evil Practices
and is wholly unacquainted with ~~Feign~~ The
present Visitor of this College is that wise and
excellent Prelate the Bishop of ~~London~~ whose
Care and Trust, not only a College, but a whole
Empire might well repose its Safety and Con
cerns without Danger.

MERTON-COLLEGE

THIS H.O. we find *Basil-College* to have been
the first House of Learning endowed with
Revenues in this University, yet *Merton-Col*
lege had the Honour to receive the first Chae
ter of Incorporation here, according to the Ma
jor Laws of the Realm, and the present
State of Affairs ; which Society was in the first
Place founded at *Merton* in *Surrey*, by *Water de*
Merton, Lord High Chancellor of *England*, and
Bishop of *Rocheſter*, for the Mainte
nance of twenty poor Scholars, and two or three
Chaplains for the Ministration of Divine Ser
vice

A. D. 1261.

vice. But least that the Knowledge of the sublimer Arts and Sciences, only professedly taught in our Universities, should be wanting to these Students; he afterwards changing his Mind, transferr'd his College from *Malden* aforesaid to *St. John Baptist's* Street in *Oxford*, where the House now stands; to this End purchasing of the Count at *Reading* a Tenement situated at the West End of *St. John Baptist's* Church, where now is the back Yard of this College, to which Tenement then belonged the Advowson of this Church. Afterwards he added other Tenements, lying Eastward of this Church to the College Scite, which being rebuilt, made the present Front of the College, purchasing one of these Houses of the Priory of *St. Frideswide*, a second of *James Maffey* a London Jew; and a third of *Robt. Eliothorpe*, the Year he translated his College hither, by Charter establishing his Foundation for ever, under the Name of *Domus Scholastica de Merton*; which Charter, together with the Statutes therein contain'd, was in Force till the Year 1270. when making new Laws and Ordinances, he delivered them to his Society, which notwithstanding were soon after superseded by others made by the Founder himself, and transmitted in the Year 1274. And with so much Prudence was this College founded, that the King recommended it to *Hugh de Balsam*, Bishop of *Ely*, as a Model for his intended Magnificence in *Cambridge*, according to which *Grey-House* was afterwards erected in *A. D. 1284*. that University.

Elizabeth (named *Longspee*) Countess of *Warwick*, in the Founder's Life-time, gave some Lands to this Society, from whence a certain Sum of Money was given to the Fellows, for saying Masses for the eternal Rest of her Soul,

as appears by a Composition made between them
 A. D. 1295. and her a little before her Death.

— 1380. *John Willyer* S. T. P. first Chancellor of the University, and then Chancellor of the Church of *Exeter*, gave many Estates lying scatter'd in several Counties, with all his Personal Goods for the Maintenance of as many Exhibitioners in this College as his Substance aforesaid did or would amount unto, which were afterwards in *Latin* called *Positionists*, and in *English* *Post-Masters*, whose Number being for the most part Twelve, *Tho. Jesop*, M. D. and for some time Fellow of this College, increased their Stipends, and *John Chambers*, then Fellow of *Exeter* College, and formerly a Fellow of *Merton*, increased to fourteen; and about the Beginning of *K. James* 1's Reign gave 1000 l. with which some Estates were bought for this Purpose.

— 1376. *William Rede*, Bishop of *Chichester*, and heretofore a Fellow of this College, gave 4 Chests and 100 l. of Gold to this End, that the Fellows on urgent Necessity might borrow from thence, putting in Caution either to restore the Money themselves, or by their Testamentary Executors, *bond fide*; who about the same time built the first Library at *Merton* College, and in a tolerable Degree furnish'd the same with Books.

Henry Sever, and *Richard Fitz-James*, both Wardens hereof, were such remarkable Benefactors, that they, in some Measure, deserved the Name of Founders.

— 1589. *James Leche* gave 200 Vol. to this Library, and 200 l. for purchasing Estates in *Cheshire*, whereby it was lawful for them to chuse Fellows into this College, born in the said County. And *Griffin Higgs*, formerly a Fellow of this

— 1659. College, and afterwards Dean of *Litchfield*, gave

an entire Study of Books to Merton College Library, with Money to purchase an Estate for the Maintenance of a Library-Keeper.

Henry III. in the 45th Year of his Reign, made the Founder of this College his Chancellor, without the Consent of the Barons, and allowed him four hundred Marks a Year to support the Dignity of the Office: Some will have it that he was twice Lord-Chancellor, first in the Reign of King Henry III. and afterwards in the first Year of Edward I. but he held not the Seal long in this last Reign, for he died on the 27th of October, 1277. and was buried near the North side of his Church, over against his Cathedral, where the famous Sir Henry Saville, Warden of Merton College, finding the old Monument in Decay, erected a fine new one for him, with this Inscription upon it, *Walterus de Merton, Cancellarius Angliæ sub Henrico tertio, Episcopus Rossensi sub Edwardo primo Rege, unius exempli, omnium quotquot extant Collegiorum Fundatori, Maximorumq; Europa totius ingeniorum felicissimo parenti; Custos & Scholares domus Scholarium de Merton in Universitate Oxon. communibus Collegii Impensis debitum pietatis Monumentum posuere anno Dom. 1598. Henrico Saville Custoda. Obiit in vigilia Simonis & Judæ, anno Dom. 1277. Edwardi primi quinto. Inchoaverat Collegium Maldoniæ in Agro Sur. anno Dom. 1264. Henrici tertii 48. cui dein salubri consilio Oxonium (ut credi par est) auspiciis accessit; Anno 1274. ipsi Cal. Aug. anno regni Regis Edwardi primi secundo.*

In the Election of a Warden of this College the Fellows chuse three Persons, whom they present to their Visitor, the Archbishop of Canterbury for the Time being, for his Nomination and Confirmation of one of the Parties thus pre-

sented unto him: On the Resignation of the
 Office made by Dr. *James Gervase*, about the
 Beginning of *January* 1562. the Fellows trans-
 mitted to their Visitor the Names of five Per-
 sons, two or three of whom had never been
 the Society, whereunto the Statutes seem
 have a particular Regard. But the Visitor,
 Resentment of this Affront chose one *Ja-
 mes Mann*, formerly a Fellow of *New College*, re-
 jecting all the five Persons presented to him
 yet the Fellows did not submit hereunto, but
 rather chose to oppose his Admission into the
 College by locking up the Doors, which brought
 on a Visitation, wherein many of the Fellows
 were expelled, particularly one *Hawles*, a Phy-
 sician, and one of the senior Fellows, in whom
 the Wardenship was vested during the Vacancy
 thereof; a Person very Popishly affected, and
 who now gave too open Evidence of his Inclina-
 tions by revoking certain of the *Romish* Super-
 stitions, as the Singing of Hymns as the Fel-
 lows stood round the Fire-place in their public
 Hall, from the Vigil of *Alhallows* to *Candlemas*
 Day, which Hymns the said *Gervase* had abo-
 lished, and in their stead introduc'd the Psalm
 of *David*, made use of even to this Day. As
 soon as *Mann* came to *Oxford*, he went the
 next Day to the College, and delivered to the
 Fellows who came out to meet him, the Arch-
 bishop's Letters, declaring his Grace's Nomina-
 tion *Jure Devolutionis*; which the Fellows re-
 fus'd to submit unto, by shutting the Gates a-
 gainst him; but in the Visitation of the College
 by the Archbishop's Vicar-General, he was af-
 terwards confirm'd in the Wardenship.

The inner Court of this College was rebuilt
 about the Year 1610. and is an elegant and uni-
 form Piece of Building; and the Garden, which
 lies

lies Eastward of the College, is large and pleasant, being encompass'd on the East and South side thereof with two noble Terras Walks, and shaded in the midst, and on the West and North side with fine Grotesques, and Coverings of Trees, in Imitation of a Wilderness.

EXETER-COLLEGE.

Walter Bishop of Exeter first founded this College in *Hart-Hall*, from his own Name, calling it *Scapledon-Hall*; but within a Year after being displeased with this Design, because the Scite hereof, upon any future Occasion, could not be conveniently increased, he purchased a large Area of Ground in *St. Mildred's* Parish within the City Wall, between *Torald-Gate* and the End of *Schoolstreet*. *Peter Skelton*, Clerk, in Possession of certain Tenements for Term of Life, at the Founder's Suit, on *St. Faith's* Day, convey'd a certain House, anciently a Seat of the Muses; to the Rector and Scholars of *Scapledon-Hall*; on the Ground-plot of which House, when pulled down, *Tower-Gate* now looking Northwards was built; and the next Day gave them two Chambers with a small Court, now belonging to the College, call'd the *Lavendry*, (holding the same for Term of Life of *Godstow-Convent*) on the East, adjoining to *St. Stephen's* Hall. Which Convent demis'd these Tenements to the Rector and Scholars, on the perpetual Payment of a certain Rent. *Scapledon* having bought these, with other Houses and Parcels of Land, erected another Building from the Ground, and then transplanted his Scholars hither, on the same Char-

ter he first received, dated the 10th of May, 7 Edw. II's Reign, for foundiug this Society in *Hart-Hall*.

Soon after, the Limits of this new House appearing insufficient to contain its own Scholars, and the great Number hither resorting from the Western Parts of the Realm, he added five other Tenements to these now mention'd, making them a Scite of the College. Then an Inquest was taken on the Oaths of twelve *Oxford* Jury-men, touching any Damage likely to accrue to the King, or any other Person, by appropriating these Houses to the Scite aforesaid; and on their Return in Favour of the College, these Houses granted thereunto were entirely rebuilt. The Founder then made a Body of Statutes, wherein the Persons to live on his Charity were limited to Thirteen in Number; ordaining, that one of these should be a Student in Divinity, or the Canon Law, and the others in Philosophy; and he farther decreed, that eight of these should be chosen out of the Archdeaconries of *Exeter*, *Totness*, and *Barnstaple*, in *Devonshire*; and the other four of the Archdeaconry of *Cornwall*; and one for a Rector, whom he would have in Priest's Orders, and well skill'd in Divinity, as aforesaid, he commanded to be chosen by the Dean and Chapter of *Exeter*, as oft as they thought fit. The Revenues of the College arose out of certain Tenements in *Oxford*, (all but one included within the College Scite) and out of the Churches of *Gaynmer* in *Cornwall*, and *West Whitnam* in *Berkshire*; the last of which Churches was appropriated to this College by the Means of *John Petyng* Bishop of *Salum*, (as some say) and *Edmund de la Beche*, about the Year 1350. after which Year *Edmond Stafford*, Bishop of *Exeter*, added

two Scholars to be chosen out of the Diocess of *Salisbury*.

Since the Foundation of this College we meet with many Benefactors, who ought to be remembered here, such as were *Peter de Skelton* already mentioned; who besides certain Annuities gave to this College some real Estates; and also *Ralph Germayne*, Precentor of the Church of *Exeter*, who gave a Chest, (afterwards called the *Germayne Chest*) and Ten Pounds therein; and the like Benefaction was afterwards made by *Rich. Greenfield*; and out of the Chests of each of these, the Fellows borrowed Money *gratis*, only on putting in Caution, or good Security, for the Re-payment thereof. And A. D. 1316.

Edmund Stafford, a little above remembered, gave very liberally hereunto; and correcting the Statutes, obtain'd of Pope *Innocent VII.* that *Scapledon-Hall* should now be call'd *Exeter-Hall*, or *Exeter-College*, tho' we meet with that Name in Writings some few Years before; which *Stafford* was so munificent a Benefactor, that, besides Books and several Ornaments given to the Library as well as to the Chappel, he gave the College 200 Marks; whereupon the Fellows in the Year 1430. decreed him an Anniversary, to be for ever hereafter celebrated for the Rest of his Soul.

Sir William Petre Knt. and Privy-Counsellor to Queen *Elizabeth*, together with *William Alley*, Bishop of *Exeter*, caused a Body of new Statutes to be made and transmitted hither in Imitation and on the Plan of those which *Trinity-College* had acquired; and he moreover obtained of the Queen, that this Society should enjoy the Rights and Privileges of a College; and a Body-Politiack, procuring all those things — 1566.

which had been formerly granted hereunto, to be ratified and confirm'd: And at the same time this eminent Knight settled seven Stipend on the Scholars hereof, whereunto the Year ensuing he added an Eighth; and ordain'd that they should be chosen out of *Devonshire, Somersetshire, Dorsetshire, Oxfordshire, Essex,* and other Counties, wherein he had Estates, and gave as a Provision for them the Sum of 91 l. 8 s. 10 d. $\frac{1}{2}$ per annum, requiring that his Scholars should enjoy all the Rights and Privileges of the old Foundation: By his last Will he bequeath'd 40 l. to this College, and so did his Lady at the Time of her Death; which, as an Example, encouraged the Son and Heir to add the like Gift.

Besides Benefactions of lesser Value given by others, *Sam. Hill*, born at *Morton-Hampstead* in *Devon*, and educated in this College, and then promoted to the Rectory of *Waslegan* in *Cornwall*, gave 100 l. for the Maintenance of four poor Scholars, to be elected out of *Devonshire* and *Cornwall*, and each of them to receive 30 Shillings per Annum.

A. D. 1636. In the next place we come to the Liberality of King *Charles I.* who gave certain Lands and Tenements to the University on this Condition, That out of the Revenues thereof, the University would take care to maintain one Fellow at *Exeter*, another at *Pembroke*, and a third at *Jesus College*; all which were to be Natives of the Islands of *Guernsey* and *Jersey*; and after they had furnish'd themselves with Academical Learning, they were to be remitted thither for Ecclesiastical Affairs and Preferments, as they offer'd themselves void and empty. And the Year following, *John Maynard* gave unto this College a yearly Revenue of 40 l. 20 l. of which Money

Money is appropriated to a Divinity-Lecture, and 20*l.* to a Lecture in the Oriental Tongues; and the Remainder he would have go to the Augmentation of the Fellows Stipends.

The Buildings of this College were heretofore various and irregularly situated; the North Gate, before a Way was open'd into *Exeter-street*, was the chief Entrance into this College, and was built about the Year 1432. at the same Time when those Chambers between the new Chappel and this Gate (being now the Rector's Lodgings) were built; on which, and on other College-Buildings, *William Palmer*, a Fellow hereof expended above 100*l.* and the aforesaid *Edm. Stafford* built the West Gate, which was afterwards pulled down and rebuilt; who also built a Chamber of 24 Feet in length, under the old Library, whereon *Tho. Bentley* Butler of this College, erected some Chambers on *A. D. 1597.* the East side of the present Quadrangle. *John Periam* Knight, and Citizen of *Exeter*, built the ——— 1618. Rooms between the South-side of the Library, and Eastward of the new Hall, being called *Periam's Buildings* even till this Day. *Everard Chambers*, besides rebuilding the Gate opposite to *Jesus College* with the Chambers over it in the latter End of Queen *Elizabeth's* Reign, as aforesaid, gave to this College the Sum of 226*l.* ——— 1605. 6*s.* 8*d.* But this Gate has been since pulled down, and very lately rebuilt in the sumptuous and stately Manner you now behold it.

Exeter Hall, or Dining-room, was at first the same with that in *St. Stephen's Hall*, and was soon after pulled down, and another built almost in the Midst of the upper Court, and was half cover'd by Bishop *Stafford*, whereunto *John Phillips*, Dean of *Crediton*, and formerly Fellow and Rector of this College, added a Kitchen. This Hall

A. D. 1618. Hall was again pluck'd down, when the present Hall was built with a Cellar under it, by Sir *John Ackland*, a Knight in *Devonshire*; when the afore-said Kitchen was taken down, and another erected Westward of this Hall; which the Fellows used till very lately, and was built by *Rich. Sandy*, alias *Napier*, *Dr. Robert Viburaine*, *William Orford*, and *William Helme*, Students herein. But this Kitchen stood not long, for it was lately pulled down and rebuilt, with the West side of the first Court, by the Contributions of several Persons educated in this College, in the same Form you now see this Quadrangle.

'Tis thought the Founder built a Library for his Fellows here, (tho' the Place where it was is not known) who gave thereunto many Books, and would have furnished the same with exquisite Monuments, had he lived longer. Soon after, *John Grandison*, Bishop of *Exeter*, gave hereunto many Books in Divinity; as did also *Sir. Breden*, a famous Mathematician, at the same time, bestow some Mathematick Books hereon. But in *Edw. III's* Reign this Library being in a ruinous State, *William Rede*, Bishop of *Gloucester*, repair'd the same, and gave 25 Manuscripts thereunto, besides a Legacy at the Time of his Death. And then several Benefactors (among whom were *Tho. Bromyngham*, Bishop of *Exon*, and *John Mose*, Rector of this College, and afterwards of *St. Peter's Church* in *Exeter*) built a neat and handsome Library, at the East end of the upper Court, which being too small for the Number of Books given, after it was repair'd by Bishop *Stafford*, it was by him extended in length, and covered with Lead, which was afterwards filled by Benefactors with learned Authors, *Reg. Keys*, Chantor of *Exon*, giving the 18. Volumes of *Hugh de Vicaria's* Com-

Comment on the Bible, and *H. Lawrence*, some time Rector hereof, gave all his Books, and at his Death 40 s. to buy Books. Dr. *Moreman* gave *St. Aspin's* Works, as did *John Dotyn*, M.B. Rector hereof, and then one of the Vicars of *Bampton*, &c. at the Time of his Death, give all his Physick Books, with some others. Lastly, Sir *William Petre* Knight, and *John Kennal* L. L. D. and Archdeacon of *Oxford*, gave many Books. But some few Years after the entire Furniture was removed to the old Chappel, which was converted to a Library, and the Library turned into Chambers, by those who contributed to the building of the aforesaid Kitchen, each Man giving 20 l. and the College it self 60 l.

A. D. 1567.
& 1584.

As long as the Scholars of this Foundation lived in *Hart-Hall*, they made Use of *St. Peter's* Church in the *East* for Divine Service; and on their Removal to *Scapledon-Hall*, now the Scite of the present College, they frequented *St. Mildred's* Church; after this they built a small Chappel within the Limits of the College, purchasing Leave of the Bishop of *Lincoln*. The present Chappel is situate in the upper Court, on the North side thereof, of Beauty and Elegancy enough, the first Stone being laid the 11th of *March*, 1622. it was finish'd in 1624. at the chief Expence of Dr. *George Hackwell*, formerly a Fellow of this College, who gave hereunto the Sum of 1200 l. and the College it self 200 l. and moreover the said *Hackwell* gave to the Society 30 l. per annum, for the preaching of a Sermon yearly on *St. James's* D., on which it was consecrated.

— 1321.

By the first Statutes of *Exeter-College* the Rectorship was to be from Year to Year, but upon a Review of these Statutes anno 1566. it was to continue as other Headships did in the University.

About

About the Year 1688-9. there arose in this College a great Controversy touching the Expulsion of one *Colmer*, for Incontinency, who thereupon appealed to the Bishop of *Exeter*, the local Visitor of this College; he received his Appeal, and granted an Inhibition to any further Proceedings against the Appellant, and made an Order, requiring the Rector and Fellows to give an Account of their Proceedings *sub poena juris & contemptus*. The Rector, on the Service of this Order, sent a submissive Letter to the Bishop, and no farther Proceedings were had for some time. But afterwards Dr. *Masters* was commission'd to determine this Appeal by going to the College; and to this End a Citation was fixed up on the Chappel Door of the said College, requiring the Appearance of the Rector, &c. on the 23d of *March*, &c. who appear'd accordingly, and tender'd a Protestation, but the Commissary proceeded to give Sentence for *Colmer's* Restoration, and awarded 20 Marks for Costs. Sometime after this Sentence the Rector and Fellows proceeded against *Colmer* (as pretended Fellow) for another Act of Incontinency, who appealed again to the Bishop, and he received his Appeal a second Time, and resolved on a Visitation in Person, and to that End he sent a Citation to the College, dated *May* 16. 1690. and came himself to visit on the 16th of *June* following; and when he came the Chappel-Doors were shut against him, and then he appointed another Visitation on *June* 24. ensuing, and coming, the Rector and Fellows tender'd a Protestation under the common Seal; because, by the College Statutes, his Visitation was once in five Years, and having visited so lately by his Commissary, could not visit so soon again. Whereupon the

Bishop

Bishop suspended five of the seven senior Fellows, (having suspended eleven in all) and reſtor'd Colmer, and proceeded to deprive the Reſtor; and then ſeven of the ſenior Fellows, who were ſo after the Suſpenſion of the other, choſe Mr. Paynter to be their Reſtor.

Oriel-College.

BY *Cambden, Prym, and others, K. Edw. II.* has had the Honour and Charity of this Foundation given to him, formerly founding a Houſe of *Carmelite* Fryars in *Oxford*, and another of *Predicants* at *Langley* in *Hertfordſhire*: But, notwithstanding the Authority of theſe great Men, it does not appear, that he contributed any further to the Foundation of it, than the bare granting it a Charter of Incorporation; thereby giving a Power to his Almoner *Adam* Pat. 17. Edw. 2. P. 2. M. 12. *le Brome*, of purchaſing Lands and Tenements towards erecting and endowing the ſame, conſiſting of a Reſtor and Scholars in different Faculties, under the Name of *St. Mary's Houſe* in *Oxford*. By Virtue of this Charter, the ſaid *Brome*, formerly one of the Clerks in the Court of Chancery, purchas'd of *Rog. Marshall* of *Tackley* in *Oxfordſhire*, a Tenement or Meſſuage, then lately built in *St. Mary's*. The Chambers and Dining-Room of this Houſe lying at ſome Diſtance from the Street were demifed to Scholars; but the Shops, Cellars, and Vaults, next to the Streets, were letten to the Townſmen: And herein was at firſt founded a College of Students in the Faculties of *Logick* and *Divinity*, with a Permiſſion or Leave for ſome of the Fellows to ſtudy the *Canon Law*, if they pleaſed; and

and to this End they were to spend some Time in *Logick*, and the *Civil Law*. On *December* the 6th *Le Brome* conveyed this House with all its Appurtenances, to *John Lighton*, Rector elect, and the Scholars therein placed together for ever, and on the 20th of the same Month, King *Edward II.* ratified and confirmed this Conveyance, on the Founder's Surrender or Resignation of this Society into the King's Hands, which he did (at least) with a View of having it establish'd on a more lasting Foundation, by making the King as 'twere the Founder thereof, in case his Majesty should not increase the Revenues, as he conceived he would. On the 21st of *January*, in the Year ensuing, it was erected into a College of *Divines*, for the Maintenance of which, with the Rector, whom the King would have called *Provost*, he gave one Messuage, five Shops, and as many Ground-Rents, with one Cellar in *St. Mary's* Parish, belonging to the said *Marshall*, with an Assignment also of one Messuage situate in *Canditch-street*, and a Hall commonly called *Perillous-Hall*, to the said College, which he had received from *Adam le Brome* for this End, to which College he moreover gave the Advowson of *St. Mary's* Church in *Oxford*, on the condition of keeping four Chaplains or Priests, for the daily Celebration of Divine Service therein.

Besides, for the better Maintenance of a greater Number of Fellows or Scholars in this Society, King *Edward* granted a further Power of purchasing an Estate of 60 *l.* per *Ann.* by which Grant, and the fore-mention'd Benefactions, he seems to have acquir'd the Title of Founder of *St. Mary's* House in *Oxford*. After this, *Adam le Brome* providing for the good Government of his Fellows, and being the first *Provost* thereof himself,

himself, made a Body of Statutes, and delivered them to the Society, on the 23d of May, which were three Years afterwards confirm'd by *Henry de Burghes*, Bishop of *Lincoln*, whereby it was ordain'd, that in this College, besides the *Provost*, there should be ten Scholars or Fellows maintain'd in the Study of *Divinity*; yet it was afterwards granted by the Visitor, that any three of this Number might apply themselves (if they thought fit) to the Knowledge of the *Canon Laws*: Then the said *Brome*, to make a more liberal Provision for his Fellows, in respect of their Stipends, on a Treaty with one *Harleston* procured the Church of *Aberforth* in *Yorkshire* to be given to this College, *Harleston* having a Part in the Advowson or Impropriation thereof: And *Edw. III.* out of his great Benevolence gave unto it a large Messuage in *St. John Baptists* Parish, or at least for the most Part therein situate, vulgarly known by the Name of *Le Oriole*, which *James* of *Spain* afterwards of his own Accord surrender'd up to the Fellows, which *James* had received the same formerly as a Grant from Queen *Eleanor*; whereunto the Fellows of *St. Mary's* were translated, leaving their ancient Seat, which at first was only called *Tackley-Inn*, and afterwards *Bulkley-Hall*.

But *H. Edw. III.* in the 2d Year of his Reign, on the Request of the said *Brome*, convey'd to them *St. Bartlemas's* Hospital, near *Oxford*, with all its Appurtenances; that in case the Plague should at any time be at *Oxford*, this College with Conveniency might retire thither. These were the Gifts which the aforesaid Kings and *Adam le Brome*, conferr'd, and procured to be conferred on this Society; and which, according to Times when bestow'd, were thought sufficient

— 1327.

; *Edw. 3.*

ficient for the Maintenance of Scholars : But when the above-mention'd *Henry Burgashe* had appropriated *St. Mary's* in *Oxford* hereunto, (as already premised) there were two of the Fellows thereof in holy Orders, appointed (as Chaplains) to celebrate solemn Masses at stated Times for the Souls of his own Parents and Brethren, viz. *Rob. de Burgash* Knt. and *Maud* his Wife, and his two Brothers, *Robert* and *Stephen*, on which score they were to receive 18 Shillings *per. Annum*, besides voluntary Contributions, &c.

The first Benefactor, after those already remembered, was *John Franke*, Master of the Rolls in *Chancery*, in the Reign of King *Henry VI.* who at the Time of his Decease gave 1000 *l.* to this College, to buy Estates for the Maintenance of four Fellows in their Studies here, which additional Number were to be chosen out of *Somersetshire*, *Dorsetshire*, *Wiltshire*, and *Devonshire* ; and with this Money the Reversion of the Mannor of *Wadley* was purchas'd of the King, which came to the College on the Death of *John Norris*, and *Alice* his Wife, on Condition that an annual Revenue, or Pension of 12 Marks be paid to the Chauntry-Priest of *Trent* in *Somersetshire*, where the said *Franke* was born ; the Patronage or Advowson of which Chauntry he gave for ever to this College.

The next Benefactor hereunto, was *John Carpenter*, first Fellow and then Provost hereof, and at last Bishop of *Worcester*, who by his last Will and Testament gave certain Estates in *Oxfordshire* for the Education of one Fellow born in the Diocess of *Worcester* ; and moreover gave a Weekly Exhibition of 4 *s.* to be equally distributed among six poor Scholars, issuing out of *St. Anthony's* Hospital in *London*, of which he was

was formerly Master; which Sum or Rent was afterwards paid to the Provost and Fellows hereof by the College of *Windsor*, whereunto this Hospital was afterwards annexed: He moreover gave to this College an antient House called *Beedle-Hall*, lying to the North of *St. Mary-Hall*, and to this College Garden to the South; for whom, and his Executor *William Sampson*, a Member also of this Society, the College observes a yearly Commemoration, at which the Scholars of *Beedle* were obliged to be present.

William Smith, Bishop of *Lincoln*, and Founder of *Brasen-Nose* College, in the Year 1507. gave unto this Society, for the Purchase of an Estate the Sum of three hundred Pounds, and this he assign'd for the Maintenance of one Fellow to be chosen out of *Lincoln* Diocess: As did also *Rich. Dudley*, S. T. P. some time before Fellow of this College, and then Chancellor of the Church of *Salum*, by the Gift of a certain A. D. 1529. Mannor called *Swaynswick* in *Somersetshire*, not far from the *Bath*, for the Maintenance of two Fellows, and six Exhibitioners, (for so are they called, who are not on the Foundation, and to whom Stipends are paid for a certain Number of Years) in Commemoration of whom the Provost and Fellows oblig'd themselves to the sacred Offices of a *Placebo*, and a *Dirige* according to the Superstition of the *Roman* Worship.

And that this College might not want a Porter, *John Jackman*, A. M. and heretofore a Fellow of this, by his last Will and Testament, bearing Date the 13th of *March*, 1599. gave a Dwelling-House with some Land lying in *St. Giles's* Parish, to this College, on Condition of their maintaining one poor Scholar out of *Worcestershire*, whose Duty it should be as a publick Porter, to open and shut up the College-Gates.

About the latter End of King *Edward III's* Reign, the Fellows of this College, assisted by the charitable Contributions of several well affected to Learning, on the Purchase of some Messuages, began to reduce their Mansion-House to better Model, and to build the same in a Quadrangular Form, having *Oriel* Tenement for its Western Side (it lying towards *Schuyard-street*, now called *St. Mary-hall-lane*) and *St. John Baptist-street* on the Southern side thereof: And herein they liv'd till the Year 1620. when the South side was entirely pull'd down with the greatest Part of the West side, and then was erected that Pile of Buildings reaching from the West side of the present Chappel to the North side of the publick Gate, whereunto *At. Blencowe*, Doctor of *Civil Law*, and late *Provost* of this College, gave thirteen Hundred Pounds: And in the Year 1638. the East and North sides of this Court being pluck'd down, in three or four Years Time the whole College was re-edified, both in Beauty and Largeness far excelling the former Structure thereof; to which the *Provost* and *Fellows* gave 50 *L.* a-piece, in the whole amounting to 950 *l.* and the late *Provost*, *Dr. William Lewis*, now Master of *St. Crosse's Hospital*, near *Winton*, gave 100 *l.* hereunto; as did also *Rob. Pierpont*, Earl of *Kingston*, and *Rich. Knightley*, of *Preston* in *Northamptonshire*, both of them having been formerly Gentlemen Commoners of this Society; and *Dr. Tolson*, besides the Money he expended on the *Provost's Lodging*, and the many Books given by him to the Library, now contributed 1150 *l.* towards the publick Building of this College.

'Tis reported, that the Mayor of the City, in the great Conflict between the Scholars and Townsmen, was hang'd in the second built Hall
of

of this College; which then stood in the same Place where the present Chappel is situate, and was pull'd down about the Year 1533. at which Time (tis said) a Piéce of the Halter was found about one of the great Beams thereof; and then was a third publick Hall erected on the North side of the old Quadrangle, at the Expence of the Students, (the first Hall being in *Oriel House* or *Towndat*.) Upon the pulling down of this third Hall; or Dining-room, in the Year 1637. the present Hall or Refectory was in two or three Years afterwards built on the East side of the new Quadrangle.

The first Library belonging to this College was erected on the East side of the old Quadrangle about the Year 1444. by Dr. *Guscoinge*, who besides many Books gave five Marks towards the Building thereof: And altho' the College had no Library before this, yet it had a pretty good Stock of Books kept in Chests and Coffers, which were given by some of the Provosts and Fellows hereof, and lent out to the Scholars, on putting in of Caution for the Return of them. The present Library was built on the North side, about the Year 1637. to the Structure of which *Edward Conche*, formerly a Fellow of this College, at the Time of his Death, anno 1629. gave 100*l*.

This Society first of all performed Divine Service at *St. Mary's Church*; but afterwards by Reason of the Daily Assemblies of the University had therein, on the Account of Convocations, Congregations, &c. this Place seeming somewhat inconvenient to the Scholars, Leave was obtain'd from the Bishop of *Lincoln*, anno 1372. for the Celebration of Divine Worship in a Chappel, built or to be built within the College, which I believe was never perfectly finish-

ed, altho' begun by them about this Time; for that they afterwards, in the Year 1437. sued for Leave again of the Bishop of the said See for saying Prayers at St. *Mary's* Church, out of the Precincts of the College: Yet it is most certain that they had a small Chappel which was situated opposite to *Corpus Christi* College Fore-Gate, as appears from a Cut of this College, drawn in the Year 1566. But this Chappel was pull'd down *anno* 1620, when the new Quadrangle was attempted, and Divine Service said in a large Chamber on the North side of the Court, until the present Chappel was finished *anno* 1642. whose Entrance thereinto is in the South-East Corner of the new Quadrangle, and which Dr. *Prideaux* Bishop of *Worcester* consecrated to the Worship of God, Dr. *Tolson* preaching a Sermon herein on that Occasion.

The present Number of Fellows are eighteen, without any Scholarships annexed to the Foundation: The Visitor hereof being always the Bishop of *Lincoln* for the Time being.

QUEENS-COLLEGE.

Robert Eglesfield, Batchelor of Divinity in this University, and born in *Cumberland*, was the Founder of this College, which is situated in the Parish of St. *Peter* in the East, near the Church of the same Name. This pious Founder, after the Example of other Godly Men going before him, for the Incouragement of good Learning, purchas'd certain Tenements in the aforesaid Parish, that had been applied to the Uses of publick Inns or Victualing Houses, till now converted to the End of Study, by erecting
here

here a Collegiate Hall under the Name or Title of *Aula Scholarium Regina de Oxon.* which he built and founded at the Instance of Queen Philippa, Consort to the most invincible Prince King Edward III. whereupon he bought another Tenement, with the Appurtenances, lying between a certain Tenement belonging to *Margaret* Relict of *Thomas de Wynshury*, Eastward; and a Tenement belonging to *Osney-Abbey*, on the West, which last he purchased of the Master and Scholars of Great *Univ. Hall* or College, *anno Regni 14^o Edm.* on the 19th of *A. D. 1340.* *May*, and hereunto he added on the 14th of *June* following two Selds, which he bought of *John Chambers* of Oxford, one of which was held of *St. John Baptist's Hospital*, and the other not long before belonging to *Rich. de Basingby*; and themselves added a third bought of *Rich. de Everingham* Clerk, (on Decr 7. the same Year) hereof to be called *Temple-Hall*, lying between a Tenement of *Osney* to the South, and the Hall of *St. John's Hospital* to the North. About the same Time that *Eglesfield* purchased these Houses, he obtained the Royal Charter dated *January* the 18th, 1340. for founding this Hall or College, which in Part runs thus, *Quod ipse in quodam Messuagio fuerat parricidii in Oxonia in Parochia Sancti Petri ad Orientem sita quondam Aula Collegii de Scholaribus, Capitularis & aliorum, perperam temporibus duraverat, sub nomine Aulae Scholarium Reginae de Oxonia: que per ipsum Praepositum de dictis Scholaribus juxta ordinem prefati Roberti, inde faciendam gubernatorem, construere & de novo fundare, ac Messuagium illud cum pertinentiis prefatis Praeposito & Scholaribus Aulae illius pro eorum habitatione ibidem perpetuum dare possit & assignare habend' & retinend'. Et existens Praeposito & Scholaribus*

quod ipse Messagium predictum à prefate Robert. recipere possint. Et tunc sibi Et Successoribus suis predictis in perpetuum sicut predictum est et tunc prefatum similiter licentiam dedimus specialem. Et concessimus autem Aulam cum Proposito Et ceteris Scitis, per electionem in futurum habitantibus Et morantibus in eadem, quos ad verum Collegium erigimus, Et existere ex nunc propinquum, Et ad Collegium licitum Et apprehensum, etiam etiam, antequam a vestra plenitudine possimus transire Et confirmamus, Et.

Eglasfield having strengthened his Charity by Royal Authority, now instituted therein a Provost and twelve Fellows: for such would he have this Number to consist of, in Respect of Christ and his Twelve Apostles, and placed them (as aforesaid) in Temple Hall: Nor had he at this Time so strict a Regard as to complete this Number wholly of his Country-men, because there was not then peradventure a sufficient Number of them eminent for Learning in the University: but yet he soon afterwards obtained the same; and according to the Founder's Statute made for this End, they were almost all chosen out of *Cumberland* or *Westmoreland*.

The Names of the first Provost and Fellows are as follows; viz. *Rich. de Botsford* formerly of *Batol* Coll. Fellow; but now Provost of *Queens*. *Will. de Girdle*, *Will. de Hawksworth* also of *Batol*, and then Provost of *Orich*; *Will. de Palmorne* of *Stapledon-Hall*, alias *Exeter-College*; *Will. de Colyngham* of *Merton*; *Tho. de Trumshagh*, *John de Dumbleton*; *Will. de Renbar*, and *Rob. de Hardley*, both of *Merton*; *Will. de Heightelbury*, *Reg. de Stratton*; *Will. de Wantyng* of *Merton*; and *Flagb*.

Besides this Provost and twelve Fellows (as above said) he resolved to maintain here in their

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and to poor Children, or Scholars, representing the Number of our Lord's Disciples, who were to supply the Want of Fellows by way of Succession upon any Vacancy; and these he would have called together for their Meals in the publick Hall by the Sound of a Horn, who kneeling on the outside of the Table were obliged to answer the Fellows, sitting opposite to them in Purple Gowns, touching Philosophical Questions. But this Founder being interrupted by Death, was in no wise able to finish his great Designs; yet the Scholars, who are called *Poor Children*, every Day undergo this Examination, which Scholars consist of a far less Number than the Founder intended; and the Fellows for many Years took their Diet in Purple Gowns, which Habit at length grew into Disuse by reason of the Expence thereof. By the Statutes given by this Founder to his College in the Year 1320. he requires his Provost to be chosen out of the Fellows, being a Person in holy Orders. The Fellows, who ought to be more careful, according to the Increase or Decrease of the yearly Revenues, are to be elected out of *Cumberland* and *Westmorland*; but such as are of the Founder's Consanguinity, whereby I observe by the way, that our Founder, with his Brother *John Eglesfield* were descended from *John Eglesfield*, and *Beatrice* his Wife, which *John* the Father was the Son of *Tho. Eglesfield*, and *Agnes* his Wife. But the Fellows might also be chosen out of other Counties, wheresoever the College was in Possession of any Estate; but the Northern Fellows, by a singular Affection to their Country, have rarely admitted any into their Society as Fellows, besides their own Countrymen, altho the chief of their Lands and Pre-

ferments are situated in *Hampshire. Eglesfield* during his Life-time, who died on *May 22.* was very assiduous in the enlarging and endowing his College ; and to this End he bought many Lands and Tenements ; in particular he purchased a Tenement lying between the Founder's Houses North and South of *John Ingelton* ; as he also did a Ground-plot of *John de Wylde-lond*, Clerk, in length extending it self from the *Osney-Wall* Northward to *Queens-Hall* Garden. Moreover, in the 15th of *Edw. III.* he purchased a Messuage of *Steph. de Abendon*, situate between a Tenement of *St. John's Hospital*, and a Tenement belonging to *John de Whirele*. Lastly, to omit two other Tenements lying without the Precincts of the College, in the 21st of *Edward III.* he bought another Messuage of *Peter de Noryngham*, Minister of *St. Michael's Church* near North-Gate, in *Oxford*, lately called *Beyngers-Hall* : And after this *Edw. III.* in the 21st of his Reign confirm'd unto it the Name and Being of *Queens-College*, or *Queens-Hall*, so called from his Queen *Philippa*, and then gave the same to the Scholars thereof for ever : who, after the Founder's Death purchased two Tenements contiguous to the aforesaid Houses, viz. one of *John Eglesfield*, the Founder's Brother and Heir ; and the other of the Priory of *Frideswide*.

Among the Benefactors of this College, King *Edw. III.* deserves the first Place, who on the 19th of *July*, in the 17th Year of his Reign, at the Founder's Request, gave hereunto the Impropriation or Advowson of the Church of *Blechindon* in *Oxfordshire*, which was escheated to King *Henry III.* by the Way of Forfeiture incur'd by *Rich. and Will. Greuill*, Brothers ; and besides

besides this on the 22d of March in the Year next ensuing, he gave unto this College the Guardianship of St. Julian's Hospital at Southampton; commonly called *God's-House*; which, on the *Frenches* landing there and burning the Town, was almost consum'd by Fire; and at the Request of Queen Philippa his Consort, on July the 3d, 1341. he gave the Advowson of *Burgh* under *Stamere* Church, granting unto the Provost and Fellows, a Power of appropriating the same to the Use of the College, for the Maintenance of six Scholar-Chaplains out of the Revenue thereof, which he would have added to the Number first appointed: And the said Queen also gave to this College, on the 9th of July, 1347. a Yearly Pension of twenty Marks, to be receiv'd of his Steward at *Richmond*; tho' how long this was afterwards paid, does not occur.

About the 16th Year of this King's Reign, *Rob. Ashford*, Kt. convey'd to this Society the Advowson of the Church of *Sparshold* in *Berkshire*, which he held of the King in *vassalage*; and his Son and Heir, *Peter Ashford*, in the 19th of A. D. 1345. this Society confirm'd the said Settlement or Conveyance.

Sir John Mandrew, Kt. Lord of the Mannor of *Borshill*, alias *Brehill*, in the County of *Bucks*, besides the Advowson of the Church of *Enham* in *Hampshire*, gave an Estate in Lands, and some Messuages in *Enham* aforesaid, and an Annuity of Ten Pounds for the better Support of *Queens Hall* at *Oxford*, as appears by a Deed bearing date the Thursday after St. Gregory's, in the 11th of Edw. the 3d.

Sir John Slowford, Kt. gave a Tenement in St. Peter's Parish in the *High Street*, situated near A. D. 1352. a House belonging to the Priory of St. Frideswide;

wide: and about the same time John de Rotham gave two Tenements adjoining to the said Tenement, with a Sum of Money.

The Lady Isabel, Consort of Rob. First, Kt. gave a Hundred Marks, wherewith this Society, in pursuance of her Command, on April the 10th, 1344. purchased the Advowson of the Church of *Neubold* in *Warwickshire*, of the Prior and Convent of *St. Oswald de Nott.* having the King's Leave for this End.

William Chardeyn, a Taylor in *Westminster*, with *Joan* his Wife, on July the 20th, 1482. gave this College several Messuages in *Fish-street*, on Condition that a Priest or Chaplain should a weekly Mass for the Rest of their Souls.

Rob. Wragg, formerly a Fellow of this College, and then Rector of *St. Patrick Brompton* in *Richmondshire*, besides forty Pounds and two Silver Cups, gave to this Society some Lands at *Penrith* in *Cumberland*; nor must we forget the Benefaction of *John Wharson*, another Fellow hereof, and afterwards Rector of *Leobury* in *Westmorland*, who left Money for the buying of an Estate, with which the Fellows purchased two Quiet-Rents, the which they were wont to pay for the *Saracens Head* in *St. Peter's* in the East, and the other for a Tenement in *Grand-Rent-street*.

1496.

1501.

Rob. Chamberlain, about the 13th of Hen. 7th, gave several Estates in *Brehilly*, alias *Brix*, aforesaid, on which account the Fellows obliged themselves to make a yearly Distribution on the 2d of November, in memory of the said Richard, and his Wives, *Margaret*, *Joan*, and *Alice*, by a Dole of five Two-penny Loaves, with one Flagon of Ale. And *Rowland Richardson*, some time Fellow hereof, and then Vicar of *Burgh* under *Stammore*, gave some Lands at *Duddeston* and *Applesford* in *Berkshire*.

Edward

Edward Hilson and *Edward Rigge*, the first a Fellow, and the last a Provost hereof, gave the Mannor of *Balden St. Laurence* in *Oxfordshire*, with all the Appurtenances in the said *Balden*, *Test-Balden*, *Marsh-Balden*, *Little Balden*, and *Garsington*; and the last of them left some other Estate in *Marsh-Balden* to this College, and in *Stamton St. John's*, of the yearly Value of three Pounds, besides Moveable Goods, and 30*l.* for purchasing a Tenement in *Southampton*.

Christopher Bainbrigg, Arch-Bishop of *York*, A. D. 1509. gave the Mannor of *Test-Balden*, with other Estates or Lands, to this College; as did also *John Kirby*, formerly a Fellow hereof, give some Lands at *Chagrave* in *Oxfordshire*, where he was Vicar: And *Will. Tescloppe*, Esq; gave an Annuity of 1*l.* 3*s.* 4*d.* to be expended on com- A. D. 1515. mon, besides six Shillings and eight Pence to a Student hereof, for a Sermon to be preach'd yearly at *Childrey* in *Berkshire*, and eight Marks to his Chantry there lying. *Nicholas Miles*, S. T. P. formerly Fellow of this College, and then Vicar of *St. Bridges* in *London*, gave some Lands also at *Carsington* in *Warwickshire*, Will; on condition that the Provost and Fellows sh^d the same faithfully executed. And *Edmund Gryndall*, Arch-Bishop of *Canterbury*, settled an Annuity of twenty Pound on one Bellow and two Scholars, to be taken from the Place of the Arch-Bishop's Birth in *Cambridgeshire*. And besides the Money and Silver Plate which he gave, he also bestow'd on this College many of his Books; with ten Pounds to buy Chaires for them.

King Charles the First, at the Desire of his Queen, gave three Rectories, and as many Vicarages in *Hampshire* to this Society: And *Henry Wilson* of *Underlough* in *Westmorland*, left Money

— 1639. Money for buying in of certain Parsonages in *Cumberland* and *Westmorland*; or rather for the buying in of Improvements; and more- over he left an yearly Revenue of five and thirty Pounds to seven poor Scholars, to be chosen out of the Schools of *Kirkby*, *Lonedale*, and *Kirkby-Kendall*, for the better Subsistence of them.

The first Habitation of the Fellows of this College was near the Place, where the present Ball-Court is situated; but in some short Interval of Time afterwards, they left their old Dwelling at *Temple-Hall*, and settled themselves in their new House near *St. Peter's Church*; *William Muskham*, Rector of the Church of *Dereham* in *Cumberland*, building the publick Gate of the College, and certain Chambers on the North side thereof. About the same time *Muskham* gave them a Tenement, on the Area of which Part of the College now stands. *Tho. Langton*, Bishop of *Winton*, built them four Chambers on the East of the Court next to those of *Muskham's*: And in Imitation hereof, *Henry Blaisfort*, Bishop of the *Mid See*, gave them fifty Pounds to be expended on Buildings, which was laid out in erecting Lodgings for the Provost of this Society.

Rowland del Bytys, for some while Provost hereof, gave several Sums of Money towards the Buildings of this College: But the most munificent Benefactor hereunto I am now to remember, viz. *Sir Joseph Williamson*, Kt. Doctor of Laws, and Fellow of this Foundation, who besides a large beautiful Pile of Building, which he erected at his own Charge on the North side of the old Building, at the Time of his Death left six Thousand Pounds towards the new building of this College; which is now in Hand, and accord-

according to the Model of it, when finish'd, will be one of the most Majestick Pieces of Architecture in the whole Kingdom, erected upon the Plan of *Luxemburgh-House* at *Paris*, with stately Cloysters on the Side of each Wing, and the Chappel and Hall in the Front thereof, lying open to the publick View of the *High-street*. This Model was projected by the Reverend Doctor *Lancaster*, the present worthy Provost of this Society, a Person of a publick Spirit equal to the Design of this vast Undertaking, and who by the Earnest of a large Benefaction already given thereunto, and by the Circumstances of his Condition promises to exceed even the Liberality of *Williamson* himself. But whilst I remember the Benefaction of Dr. *Lancaster* and Sir *Joseph Williamson*, who was Plenipotentiary at the two several Treaties of *Cologne* and *Reswick*, and advanc'd to other great Offices in the Realm, I ought not to forget the Benefaction of Dr. *Thm. Halton*, who expended above a Thousand Pounds on the Buildings of this College.

The Hall on the West side of the old Quadrangle was erected about the same time, with the Chappel, immediately after the Foundation, to which Hall the aforesaid *Muskham* gave 160 Marks for building the same.

The antient Library of this College was in the little Court on the West-side of the old Chappel; and now I come to speak of the Library, I cannot be too large in the Praise of the modern one, on a Cloyster of stately Pillars on the East side thereof, and is one of the finest Pieces of Architecture in the whole University, filled with the Books of that Learned Prelate *Thomas Barlow*, Bishop of *Lincoln*, who gave the greatest Part of his Study hereunto: and on this Gift it

it was, that the said Dr. *Halton*, in his Provostship began this magnificent Edifice, partly at his own, and partly at the College Expence, amounting in the whole to about five thousand Pounds, and finish'd the same: whereunto the said Sir *Joseph Williamson* at the Time of his Death gave his rich Library.

Pope *Clement* the Sixth, at the Founder's Instance, sent his Bull bearing date the 4th of the Calends of *May*, in the first Year of his Papacy, to the Arch-Bishop of *Canterbury*, empowering the Fellows of this College to build themselves a Chappel: whereupon King *Edward* the 3d, at the Request of his aforesaid Queen, granted the like Power unto the Provost and Fellows hereof, with Leave also unto the above-mention'd Sir *John Slowford*, of conveying the Advowson of the Church of *Shaw* (valued at six Marks and a half *per An.* and held of the King *in Capite*) unto the Prior and Convent of *St. Frideswide*, on condition they convey'd a certain Ground-room for the building of this Chappel, which, for the greatest part, was erected at the Expence of the aforesaid *Mackham* and *Roger Cotyngham*, who adorn'd the same with Sculpture, &c. at his own Cost; and *Roger* — 1420. *Wheldale*, Bishop of *Carlisle*, consecrated the same, by the Leave of *Richard Flemming*, Bishop of *Lincoln*, the then Diocesan: And thus far of the Buildings hereof.

In the Year 1704. there arose among the Fellows of this College a Controversy about the Choice of a Provost in the room of Dr. *Halton* deceas'd, upon a doubt of the Statutableness and Legality of electing a Person unto the Provostship, who was not at the Time of the Election an actual Fellow thereof: But this Dispute or Question was decided in favour of the aforesaid

Dr. *Launcester*, who had for some time left his Fellowship therein, upon his Preferment to St. *Martin's* Parish in the Fields, *London*, by the Commissaries of the Arch-Bishop of *York*, who for the Time being is the Local Visitor of this Society. *Vide* Part the 1st.

NEW-COLLEGE.

BEFORE I treat of this College in respect of its Buildings, &c. I will give some Account of its most excellent Founder *William de Wickham*, whose just Praises have been celebrated in all Ages succeeding his Death, by many Learned Men; and this I think my self more especially obliged to do in point of Duty, to obviate a late Columny cast on his Birth and publick Charity by the dirty Pen of a dishonest Writer, who not only to evince his Dislike to Popery, but for bad and knavish Purposes has shewn little Regard to Truth and Ingenuity, building his random Assertions on the unjust Accusation of *John of Gaunt*, Duke of *Launcester*, a professed Enemy to our Founder, for the Reasons hereafter to be mentioned, and on the weak Conjectures of Dr. *John London*, sometime War-den of this College, and a Person equally infamous for Falshood and Ingratitude.

This Great Man, of whom I am now to speak, was born at *Wickham*, a Town in *Hampshire*, a. A. D. 1314. about 12 Miles distant from *Winchester*, in the Road from hence to *Portsmouth*, and was the Son of *John Long*, and *Sibyl* his Wife. Indeed Authors differ very much about his Sir-name; *Leland* will have it to be *Peryot*, calling him by this Name; *Harpesfield*, formerly a Fellow of this

this College, and a pretty good Historian, gives him the Name of *Wickham*; but the best Writers, with whom the Heralds do agree, will have it to be *Long*; and that of *Wickham* they ascribe to the Place of his Birth, as it was usual in those Times for the Clergy and Laity to receive one of their Surnames from the City or Town where they were born; and sometimes from the natural Beauty or Imperfection of the Body, as the *Longs*, *Shorts*, *Gibbs*, &c. which was not the Case of our Founder, for that he was of a middle Stature. But the better to confute a Marginal Falshood touching his Birth, lately added to the Life of King *Henry the 4th*, by an anonymous Editor of the History of *England* in 3 Vol. in *Folio*, I will here insert the Genealogy of this pious Founder, as collected and delivered by *Robert Heers*, Fellow of this College at the Time of the Founder's Death, who in a short Treatise of *Wickham's* Life added to a Statute Book, and given to *Winchester College*, has the following Relation of his Family, with the Character of his honest Parents, viz. *William Stratton* begat on the Body of *Amey*, Daughter of the Lord *Stratton* near *Selbourn* in *Hampshire*, four Sons, viz. *Richard*, *Stephen*, *Robert* and *John* (who all died without Issue) and three Daughters, viz. *Alice*, *Julian*, and *Eleanor*: *Alice* marry'd *John Bowde*, by whom he had two Daughters, viz. *Sibyll* (our Founder's Mother by an Intermarriage with *John Long*) and *Agnes*, from whom *Alice* the Wife of *William Perrot* descended: And this is sufficient touching his Pedigree, the more Curious may search the Herald's Office. *Wickham* having had an Initiation in Grammar Learning among the Sons of certain Noblemen at *Winchester*, on the Expence of *Nic. Udall*, Kt. was remov'd

remov'd from thence to *Oxford*, where he spent his first Years in *Logick* and *Mathematicks*, under the Tuition of *Lewis Carleton*, afterwards Bishop of *Hereford*; but following the Inclination of his own Genius, he afterwards became a Student of the Civil Law under the Instruction of *William Dorach*; and then by Letters of Commendation from the said *Udall* to *William Courtney* and *John Buckingham*, he grew into an Acquaintance with them; the one being soon after Chancellor of the University, and then of *Canterbury*, and the other Arch-Deacon of *Nottingham*, and then Bishop of *Lincoln*.

After *Wickham* had continu'd five or six Years at *Oxford* (highly valued by the most Learned Men there, being both in Writing and Speaking one of the politest Genius's of the Age) his Patron *Udall*, then Constable of *Winchester* Castle and Lord Lieutenant of *Hampshire*, sent for him; and made him Secretary of his Dispatches to the King and his Council, as well as of his private Affairs; which Employment he managed with so much Prudence and Fidelity, and with a Reputation beyond a Person of his Years; that he was not only made use of by *Udall*, but within the compass of three Years was chosen by *William Edington*, Bishop of *Winchester*, and Lord High Treasurer of *England*, to be his Secretary also.

Whilst *Wickham* was in this Office, King *Edward* the 3d, in his Return from *Portsmouth*, making some Stay at *Winton*, was so well pleas'd with the Majestick Air and Beauty of our Founder, and receiving a great Character of him from *Udall* and *Edington*, engaged him in his Service, and made him Surveyor of *Dover*, *Windsor*, and *Hadley* Castles, and several of his Manors, who with equal Diligence and Ho-

nessy well acquitted himself of the Commissions entrusted to him; and besides, answer'd so pertinently to several political Questions which the King put to him, that the Idea which this Great Monarch conceived of his Merit, daily increased with him. Thro' his great Skill in Geometry and Architecture, *Wickham* had the Direction of the Building of *Windsor Castle*, being the Place of the King's Birth, and where he had at once the Kings of *France* and *Scotland* Prisoners; and being resolved to erect a Monument to his Victories, he prefer'd this to all other Places, and caused the ancient Buildings to be demolished, and order'd a new and most magnificent Structure to be erected. The entire Care of this being reposed in *Wickham*, he acquitted himself with the utmost Honour, finishing the whole in three Years Time. His Enemies gave such a malicious Turn to an Inscription which he placed on that Palace, that it expos'd him to the King's Displeasure; but soon removing the same, he made it contribute to his Interest with the King. The Words were these, *viz. This made Wickham.*

The King, in confidence of his good Behaviour in the Church, commanded him to go into holy Orders, as he did in the Year 1361, and was immediately made Rector of *St. Martins in the Fields*, and Dean of the College dedicated to this Saint in *London*, and Archdeacon of *Lincoln*, *Northampton*, and *Buckingham*; and the King not thinking these Benefices a sufficient Reward for so much Merit, made him Principal Dean of *Wells*, and Keeper of the Privy Seal. In the Year 1367, he was created Bishop of *Winton*, and soon after Lord High Chancellor of *England*, and President of the Council; and in fine, he had so large a Share in

in the King's Affections, that nothing was done without him. To discharge the Duties laid on him by his spiritual and temporal Dignities, he applied himself on the one hand to regulate his own Manners according to the strictest Discipline, and to establish in his Diocese a Clergy leading an exemplary Life, and such as were able to instruct their Parishioners; and on the other hand, he omitted nothing, that might tend to an exact Administration of Justice. Being informed in the Year 1371. that the Great Seal would be taken from him, he prevented the Dishonour by a Surrender of it to the King, who returning into *England* after a very successful War in *France*, found his Treasury much exhausted: Upon which the Duke of *Lancaster*, one of the King's Sons, at the Head of several of the Nobility, complained of the Ecclesiasticks then having the greatest part of the high Offices of State, by representing to the King, that it was not the Clergy's Business to intermeddle with temporal Affairs, and that it was more proper for those Places to be filled by the Laity, who would discharge them with more Fidelity. The King being persuaded, that if he slighted these Complaints, he should disoblige a powerful Faction, and if he turn'd out the Clergy, he should draw vast Sums of Money from them on their being called to an account, resolved on a Change: But the Laity, promoted to these important Charges, supply'd them so ill, that his Majesty was forced to re-establish the Clergy therein. The Duke of *Lancaster* was remov'd from the Helm, but yet on the Prince of *Wales's* Death, returned to the Administration; and now being in Power, and the King in a languishing State of Health, he vehemently declared against the Clergy, and

left no Stone unturned to ruin *Wickham*, causing him to be accused of Infidelity to his Prince, and for a criminal Extortion of Money from his Fellow-Subjects, and forcing him to appear at the *King's-Bench*, as a Court impower'd by Law to take cognizance of this Affair, providing Judges to condemn him, without allowing a proper Time to digest his Papers in Order for his Defence. Besides which, not being content to deprive him of his Temporalties, he advis'd the King to banish him; which that Prince refused to do, remembering that *Wickham* was found innocent of all manner of Extortion five Years before, when all the Clergy were obliged to give an account of the Administration of the Treasury, and suspected the Justice of the condemnatory Sentence against him, and gave encouraging Hopes to those deputed by the Bishops to him, in order to request the annulling of this Sentence; and at the same time suspecting the Duke of *Lancaster* to be guilty of some sinister Design, (who it was thought intended to usurp the Crown by his secret Measures with Members of Parliament to introduce the *Salick Law* in England) he declared *Richard* his Grandson his Successor, and restor'd to *Wickham* whatsoever the Duke had robbed him of, dying soon after: Which render'd it very easy for the Duke to revive his Accusations against this upright Prelate, *Richard* being then but eleven Years old: The Articles of which Accusation were reduced to seven Heads, and affirm'd with great Assurance before the Council by the Accusers; but the Accused so strenuously refuted them all, that he was again declar'd innocent.

There is an idle Report or Tradition, that on *Wickham's* Suit to the King for the See of *Winchester*,

Winchester, his Majesty should object to him a Want of Learning for so great a Station, which he answer'd, by telling him, *That altho' he was no Scholar himself, he would do that which should make Scholars*, having those splendid Habitations of the Muses then in his Thoughts; which he afterwards erected: Which cannot be granted, for that according to that Age, he was a Person of supereminent Learning; which not only appears from a Book wrote by him touching a Reformation of the Monks at *Winton*, polluted with many Corruptions of that Time in the Church, but also from the Employments he had in the State, which could not be managed without Learning. Some will have it, that *Wickham* was Lord High Treasurer of *England*, which Place of Trust involved him in all his Troubles; but this is not so certain, since his Name does no where appear in the Lists of those Officers; yet 'tis probable, that he had some Part in the Management of the Treasury, from the Accusation made against him. But to return to the Hatred which the Duke of *Lancaster* had conceived against him, grounded (as pretended) on the Duke's Illegitimacy; to which they add, that *Philippa*, King *Edward's* Queen, had revealed this to him in her Confession, that the Duke was the Son of a *German*, and that she had fraudulently imposed him on the King her Husband instead of a Female Issue she had by him. Farther, she intreated this Prelate to reveal it to the Nobility of the Realm, in case the Duke, this supposed Son of King *Edward*, should aspire to the Crown. Hence some have charged this Bishop with notorious Sacrilege, viz. the Non-Observance of the Canon Law, which forbids the divulging of any Secrets deliver'd in Confession. Yet this third Calumny

against him is easily refuted by the shining Virtue of the Queen, and by the constant good Understanding preserved between the King and Queen, as well as by the Impunity of *Wickham*, and the Duke's Reconciliation to him afterwards; and also by the Silence of Historians and publick Records hereon. After *Wickham* was restor'd to his ancient Splendor and Authority, he began to think of Ways and Means of laying out the immense Riches which he had amassed, on some publick Monument of his Piety; and for this End he made Preparations for the Building of a College at *Oxford* (as some will have it) called *New-College*, from an ancient Hall, named *St. Neots Hall*, which College he had no sooner finished, but that he began another near *Winchester*, by laying the first Stone thereof about three a Clock in the Morning, on the 26th Day of *March*, 1387. In six Years Time he so far finished the same, that on the 28th of *March*, 1393. about three a Clock in the Morning, the Warden and Fellows were in a solemn manner admitted into Possession by a Celebration of the Litany together according to Custom. This College he design'd for the Maintenance of one hundred and five Persons, besides Servants, *viz.* one Warden, ten Fellows-Priests, one Schoolmaster, one Usher, three Chaplains, seventy Scholars, sixteen Choristers, and three Clerks. And this College in the Suburbs near *Winchester*, *Wickham* ordained as a Nursery for his other College at *Oxford*, commanding all Vacancies in the latter to be supply'd by a Draught from the former, by an annual Election, wherein the Warden of each College, with two Fellows from *New-College*, called *Posers*; and the Sub-warden and Schoolmaster of *Winchester College*, are the Electors.

Lastly,

Lastly, this College is very richly endowed, and with good Supervision is the best Seminary for Learning in *England*.

But to proceed to the College, with which I have especially to do; whose Founder being enrich'd by the additional Wealth of so opulent a Bishoprick, about seven Years before the Foundation of this his College, settled a Yearly Pension on 70 hopeful young Men, to support them in their Studies at *Oxford*, whom he placed in *Hart Hall*, *Black Hall*, &c. For he would scarce suffer two Years after this to pass over his Head, but he began to purchase Lands and Tenements situate in *Oxford*, for a College, committing the Care of this Affair to *John Buckingham*, *William Mulsbie*, and *John Rowceby*, Clerks, who on the 10th of February, in the 44th Year of *Edward the 3d's* Reign, bought several Parcels of Ground of the Priory of *St. Frideswide*, lying in *St. Peter's* Parish in the East, betwixt a House called *Hammer-Hall*, (which stood in the Lane leading from the East side of *Hart Hall* to *New College Gate*) on the West, and the Town Wall Eastward, and is the Ground where the Warden of *New College* has Stables and a Back-side. There was also bought of *John Marshall* and *John Pass*, Churchwardens, and *Wm. Keatling*, Vicar of *St. Peter's* Parish, a Tenement near the said Church, being two Rods of Land, which Purchase *Merton College*, to which the Advowson of this Church belonged, confirmed. There was moreover half an Acre bought of the Nuns of *Geddeson*, within these Precincts; but the Founder taking into some Disgrace at Court, put a stop to any further Purchase till *Richard the 2d's* Reign, when he proceeded to the legal Acquisition of several other Parcels of Ground, and many Houses,

for the Scite of his College ; and procured a Writ to be directed to the King's Richeator in *Oxfordshire*, for the impannelling of a Jury to inquire, whether any Damage would accrue to the King, the City of *Oxford* in respect of the Fee-Farm Rent, or to any other Person whomsoever, by the Founder's walking in the Lands already purchas'd or hereafter to be purchas'd, and applying them to a peculiar Use : And on the Return hereof, taken by a Verdict at *Oxford* in the Mayor and Bailiff's Presence, it being found, that no Damage would thereby accrue as premised, unless it were to a publick Street partly belonging to the City ; provided the Warden and Fellows oblig'd themselves to repair the Town Wall as often as need was, and also made a Postern Gate for the Mayor and Bailiffs once every three Years to view this Part of the Wall, having Ingress and Egress thereby during the Time of a Siege, for the better Defence of the City, the King empower'd *Wickham* to build a College on the Ground purchas'd, for the Education of seventy Fellows or Scholars in several Faculties of Learning, by a Charter of Incorporation bearing Date the 30th of *June*, and of adding other Lands to them already purchas'd, and of doing every thing appertaining to the Foundation of this ample and truly magnificent College. This Charter was obtain'd about ten or twelve Days after the aforesaid Inquest had given in their Report ; in virtue whereof he purchas'd of the Minister and Brethren of *Trinity-House* two Estates of Land heretofore belonging to the City, one of which was 60 Perches in Length, reaching Westward within the City Wall from *Smith-gate* to the Angle or Bastion near *Crow-well* Eastward, but in Breadth only a Perch and a half ; and the other

other only one Perch and two Feet in Breadth, reaching from this Bastion or Angle, in length as far as *East-gate*, the two Slips of Ground lying close within the City-Wall. Besides the publick Street there were three Rods of Ground purchased of the City, on which Part of the Founder's Quadrangle stands (for the Chappel-Hall, &c. are built on the Ground of this Street or Lane) and some other Portions of Ground of St. John's Hospital.

The Founder having made these Purchases, published the said Charter on the 26th of November, wherein he assigns the Paucity of the secular Clergy here in *England* (imputed to the frequent Plagues happening here) to be the chief Cause of this Charity of his, forbidding his Fellows to enter into Religious Houses, as was much the Custom of those Times; from whence a good Inference may be made by an honest Mind against the Severity of obliging Persons to the Susception of holy Orders, under the Pain of Deprivation of their Fellowships, or rather for an indulgent Dispensation, where Dispensations are allowed herein by the local Statutes of Colleges: But so far are we fallen from the laudable End of our Founder's Institution, that this Provision made to supply the Wants of the Church, has in some Colleges of late been made Use of as a formidable Weapon to bring Persons of just and upright Principles to base and unwarrantable Compliances, the Men thus driving Fellows into holy Orders, in no wise considering the Fitness and Abilities of the Admonished for this high and important Vocation in Religion.

It has been already said, that before and whilst this College was in Building, *Wickham* took Care to have his intended Fellows educated in Halls and

and Inas within the University, who began to lay the Foundation Stone of this Structure on *March 5. 1379.* which being finish'd on *April 14. 1386.* about three a Clock in the Morning, the Warden and Fellows entred, and had Possession thereof given to them, by a solemn Profession made and Prayers offer'd up to God, for the vouchsafing his perpetual Blessing to this Society in their Studies, and honest Purposes of Life: And that nothing might be wanting either to the Convenience or Ornament hereof, the Founder, to enlarge its Site, bought several Houses, in particular, one called *Maiden-Hall*, of *University-College*; and another stiled *Scheld-Hall*, of the Nuns of *Stodely* in *Oxfordshire*: and a third named *Great Hammer-Hall*, purchas'd of *Osney Abby*; and erected some Part of the Western, and the greatest Part of the Southern Cloyster hereon, laying the Foundation of a Way or Passage from the East side of *Hart-Hall* to the Entrance into the College; and no sooner was the other Part of the Cloysters built and finish'd, but *Nicolas*, Bishop of *Dundalk* in *Scotland*, on the 19th of *October*, by Virtue of a Papal Bull (usually obtain'd for this End) consecrated the inclosed Area thereof, which from that Time, by the Founder's Order, became a Burying-place for the Society, having a Tower near it with only three Bells therein, for certain Occasions.

A. D. 1400.

After *Wickham* had put his last Hand to the Edifice of *Winchester-College*, as above remembred, he gave a Body of excellent Statutes to each Society, which have served as a Model for those Colleges which have been founded since his Days in *Oxford* and *Cambridge*. In his Foundation at *Oxford*, besides a Warden placed therein, who ought to be a discreet and learned Person,

he appointed and instituted seventy Scholars, ten Chaplains, three Clerks, and sixteen Choristers, with handsome Stipends assign'd them for their Maintenance; dividing his Fellows or Scholars into *Artists* and *Lawyers*, by directing ten of the latter to apply themselves to the Study of the *Civil Law*, and as many more of them to the Knowledge of the *Canon Law*; and the other fifty he would have become Proficients in *Astronomy* and *Divinity*, under some Exceptions and Amplifications. As for the Chaplains and Clergymen, they were to be qualified for the Choir, by singing and reading Divine Service, and that the Choristers may assist herein, he built them Schools at the West End of the Chappel, and appointed Masters for their Instruction.

By the Statutes of this College it is provided, that all the Founder's Kinsmen grammatically educated at *Winchester-School*, shall be elected and admitted into this College as Fellows, by way of special Prerogative before all others, without undergoing any Years of Probation, and shall enjoy the full Right of Fellows; and in Defect of such Kinsmen only, the Choice is extended to others according to the Counties directed in the Statute.

By a Composition entred into between the University and the Founder of this Society, it was agreed, that the Fellows thereof should be admitted to all Degrees in the University, without asking any Grace of the Congregation of Masters, or undergoing any Examination for them in the publick Schools, provided they were examined in the College according to the Form of the University, and had their Graces given them in the like Manner by the Government of the House. But in Process of Time the other Students of the University grew so invidious

dious hereupon, that above 200 Years afterwards the Regent-Masters disputed this Privilege of the College *anno 1607*. but on a solemn Hearing, Archbishop *Bancroft*, then Chancellor of the University, adjudged this Controversy in Favour of the College, declaring the Society to have been in Possession of this Privilege for above 200 Years, and so the Matter has rested until this Day.

This College has some other Privileges and Immunities distinct from the University Rights and Customs, as a Distinction of Habits, &c. which being of a less Importance, I forbear to remember in this Place ; and shall pass on to celebrate the remaining Charities of *Wickham*, who perceiving the Nave of the Cathedral Church of *St. Swithins* at *Winchester*, to be in some Decay and out of Repair, pulled down the same, and rebuilt it from the Choir-Door to the Western Entrance thereinto, with two lofty Isles, supported with large Pillars of the *Gothick* Order, betwixt two of which Pillars this Founder lies buried under a very rich Monument cased with Porphyry Stone in the South Isle thereof. By his last Will and Testament (besides the Legacies of Money and Silver Plate which he bequeath'd to his Colleges) he left Money for the Discharging all Debtors out of Prison within his Diocese thus detain'd, for Sums under 20*l.* and order'd his Executors to see the High Ways from *Winchester* to be repair'd out of the Wealth he devised. In short, it may be said of *Wickham*, that he was the greatest Founder and Benefactor to the State of the Church and good Learning, of any Subject ever yet living in *England* : Indeed he was an Enemy to *Wickliff*, through the Darkness and strong Prejudices of a superstitious Education, which
was

was the only known Blemish of his Life and Character; which ought to be cover'd and conceal'd from us by a Multitude of Charities.

Among the Benefactors of this College, in point of Time, *John Buckingham*, Bishop of *Lincoln*, claims the first Place; who, on the 7th of *January*, 1388. convey'd heretunto the Advowson of the Church of *Swalcliff* in *Oxfordshire*, with other Estates lying therein; and at the same time granted a Power unto the College of appropriating this Church, with that of *Lobberbury* in the same County. Then

Thomas Bekyngton Doctor of Laws, and some time Fellow of this College, but afterwards Rector of *St. Leonard's*, near *Hastings*, in the Diocese of *Chichester*, then in the Presentation of this Society, and also Rector of *Sutton Courtney* in *Berkshire*, Dean of the Court of Arches, and afterwards Bishop of *Bath* and *Wells*, in the 19th Year of *Henry VI's* Reign, begg'd of this King the Mannor of *Newnton Longville*, for this College, and procur'd the same to be annex'd heretunto; and at the Time of his Death bequeath'd many other Legacies.

Thomas Jane, Doctor of Decrees, and once Fellow of this College, and then Canon of *St. Paul's*, Archdeacon of *Essex*, Dean of the Royal Chappel, and lastly Bishop of *Norwich*, on the 20th of *Febr.* in the 10th Year of *Henry VII.* gave a Tenement, and an Estate in Lands, at *Curtlington* in *Oxfordshire*, to this Society. And *Clement Harding*, L.L.B. and formerly a Fellow hereof, on the 22d of *December*, in the 23d of *Henry VII.* gave unto this Society some Lands situate at *Burton* in *Berkshire*, and *Wanborough* in *Wiltshire*.

William Warham, Doctor of Laws, and heretofore a Fellow of this College, and then Master

fter of the Rolls, and at length passing through several other Dignities in Church and State, made Lord Chancellor of England, and Archbishop of *Canterbury*, gave hereunto a Messuage with some Lands in *Hampshire*, at a Town called *Kingsclere*, which came to him by Paternal Inheritance; besides Books, and some Silver Plate of 144 Ounces Weight.

A. D. 1519.

Robert Shirbourne, another Fellow hereof, and afterwards Canon of *Lincoln*, Archdeacon of *Huntington*, and Dean of *St. Pauls*, and then Bishop of *Chichester*, in the Year 1519. gave unto this College a Messuage with all the Appurtenances, at *Harrow on the Hill*, in *Middlesex*, on Condition that one of the Fellows said Mass on the Day whereon Lectures were read for the Instruction of the Scholars; and lest the Priest should be defective in his Duty, he assign'd a yearly Stipend of 10 s. issuing out of an Estate near *Wicombe* in *Buckinghamshire*, to one of the Fellows hereof. The same Person founded four Prebends in the Cathedral Church of *Chichester*, (the first called the *Bursars* Prebend, the second styl'd the *Exce* Prebend, the third nam'd the *Windham* Prebend, and the fourth the *Bargham* Prebend) with a Statute, that none of these should be given to any other Person than one of the Fellows of this or the College near *Winton*.

— 1524.

Thomas Wells, Doctor of Divinity, and likewise heretofore a Fellow of the same College, but afterwards Chaplain to Archbishop *Warham*, and Rector of *Heyford Warren* in *Oxfordshire*, on the 13th of July, 1524. gave an Annuity of ten Pounds, purchas'd of the Convent of *St. Austin* at *Canterbury* for 200 l. and now payable out of the Royal Exchequer; and this he gave on Condition that 6 l. thereof should be yearly given to three Priests of the College, two of which

which to be *Artists*, and the third a *Civilian*, and all to be named and chosen by the Warden and Deans, being under Graduates;

John Smith, Burgess of *Ipwich* in *Suffolk*, gave A. D. 1528. on the 20th of *October* certain Lands and Tenements at *Birchanger*, and other Places in *Essex* and *Hertfordshire*, of the yearly Value of 12 l. unto this College, on Condition that the Sum of 3 l. was equally divided among three Priests, two *Artists*, or Divines, and one Canonist or Civilian, according to the Warden's Discretion and Nomination only.

William Rotherham, Doctor of Canon Law, — 1528. first Fellow of this Foundation, and then Dean of *Chichester*, gave the Mannor of *Springball* at *Tackley* in *Essex*, on Condition that eight Fellows (one half *Artists* or Divines, and the other Canonists or Civilians) should receive 8 l. per Ann. to be equally divided among them; And towards the *Wickhampt* in buying the Mannor of *St. Andrew* *Sr. Johns*, he contributed 200 l. on Condition that twelve Fellows (six of which he would have to be Divines or Artists, and the other six either Canonists or Civilians) did by equally divided Portions, receive from thence the Sum of 12 l. viz. 120 s. each. And towards the afore said Mannor of *Staunton*,

The. Melling, Some time a Fellow of this Col- — 1533. lege, gave also 200 l. under this Condition, viz. That two of the Fellows being graduate Priests, (the one a Student in Divinity or Arts, and the other in the Canon or Civil Law) on the Choice and Nomination of the Warden and two senior Deans, should each of them receive yearly the Sum of 2 l. which are called the *Heyford* Lectures, from the Place where he was Rector.

Thomas White, first Fellow of this College, — 1558. and then Head-School-Master and Warden of *Win-*

Winchester-College, but at last Bishop of *Winchester*, gave the Mannor of *Hall-place* in *Hampshire* to this Society, on this Condition, that every Fellow on the Day of his Admission, should have paid him the Sum of 13 s. and 4 d. And

A. D. 1589 *Christopher Rawlins*, born in *St. Ebb's* Parish in *Oxford*, Fellow of this College, and then Vicar of *Adderbury* in *Oxfordshire*, gave all his Estate in *Lincolnshire* to this College, and made the Warden and Fellows hereof Trustees for the yearly Payment of twenty Marks to a Grammar-School at *Adderbury*, out of the same; and as to the Residue of his Estate thus given, he left it to the Disposal of the Warden and Deans among the Fellows of this College, provided the greater Part of them were Artists.

— 1613. *George Ryves*, first Fellow of this College, and then Fellow and Warden of *Winchester*, gave an Estate of 10 l. per Annum, on this Condition, that 3 l. thereof be paid to a Preacher for a Sermon on *Trinity Sunday*, at this College, and the other 7 l. to be divided among a Moderator, a Respondent, and two Opponents at Disputations, on the *Monday* before the University Act begins.

— 1615. *Letitia Williams*, the only Curatrix of the Will of her Husband *Thomas Williams*, gave an Estate or Annuity of 12 l. to the two *Wichham* Colleges, for two Sermons to be preach'd by a Presbyter of each College, at *Paul's Cross*, *London*, and the two at each College on *Gunpowder Treason* Day: And for five Orations or Speeches, two of which are to be spoken at *New College*, on the Founder's Commemoration, immediately preceding *St. Thomas's* Day, the one in Praise of the Founder, *William de Wischham*, and the other in Commendation of those most excellent Princes, *Queen Elizabeth* and King

King James I. and as many on the same Arguments or Subjects in the College near *Winton*, with a fifth for a yearly Salutation of the Warden and Posers of *New-College*; and these three last are spoken by three of the Scholars in the School.

Arthur Lake, Fellow of this and *Winchester-College*, and then Warden of this College, and at last Bishop of *Bath and Wells*, gave an annual A. D. 1616. Estate of 10 l. for the Endowment of certain Lectures.

Robert Pink, Warden of this College, and Rector of *Staunton St. Johns* afore said, and of *Colern*, purchas'd and gave unto this Society ——— 1647. the Advowson of the Church of *Wotton* in *Oxfordshire*.

Michael Woodward, Fellow of this and *Winchester-College*, and then Warden of this College, and Rector of *Brightwell* in *Berkshire*, purchased and gave unto this College, several Fee-farm Rents in *Tork-shire*, for an additional Stipend of 40 s. per Ann. to be paid to each of the ten Chaplains, and also an Estate at *Brightwell* afore said, of 85 l. charging the same with several Payments to this and *Winchester-College*, over and above 20 l. per Ann. to be paid to three of his Consanguinity and Name respectively, towards their Education in the University. ——— 1675.

The last Benefactor to be here remembered was Dr. *Thomas Ryves*, some time Fellow of this College, who gave the Advowson of the Church of *Abbot-Stoke* in the County of *Dorset* thereunto, with a Reserve of Right for his Widow to present to it during her Life; which Right his said Widow has surrender'd since into the College Hands. ——— 1675.

As to the Buildings of this College, the Hall and Chappel on the North-side of the Founder's

Quadrangle are stately and Majestick; and as the Chappel exceeds all others in *England*, besides *King's College Chappel in Cambridge*, both for Height and Extent of Area, so does its Hall excel all others in the two Universities, besides that of *Christ-Church in Oxford*, in Largeness, but yet is a far better proportion'd Room than that of *Christ-Church*, and is adorn'd with an antique and beautiful Wainscot, set up in the Wardenship of Dr. *London*, (as suppos'd) by Archbishop *Warham*.

About the Year 1674. the Roof of the old Quadrangle was rais'd one Story in Height above the Founder's Buildings, at the publick Expence of the Society, which has render'd the other three sides of the Court very magnificent, and suitable to the Structure of the common Hall and Chappel.

In the Year 1682. was begun the Building now situate between the East-Gate of this College and the Garden, partly on the Strength of the College Treasury, and partly on the Contributions of many honourable and worthy Patrons of Learning; and is erected according to the Model of the Royal Palace at *Versailles*, saving that it is not buik upon Pillars; or to come nearer home, 'tis of the like Plan with the Queen's House at *Winchester*, with its several Projections and Fallings back in a uniform and elegant Manner. This Building is fronted by a curious Piece of Iron-work, 130 Feet in length, set up in the Year 1711. and was made by that ingenious Artist Mr. *Tho. Robinson*, at *Hide-Park* Corner.

In fine, the Buildings of this College are all sumptuous, stately and beautiful; the Estate of the Society plentiful, if well managed and honestly inspected, and the Institution thereof

wise

wife and of admirable Contrivance, if duly observed and consulted ; and it has produced since its Foundation as many eminent and considerable Men in all the Faculties of Learning, as the most ancient College in either University, altho' the Crop be thin at present, through the supine Negligence of a late Warden, and the Discouragements arising from domestick Quarrels, and the Forgetfulness of such as owe some Gratitude to the Memory of a magnificent Founder : But it is to be hoped from the ingenuous Sense, which many Persons, and especially at the lower Part of the Society, at present have of Matters, that the Splendor of its Reputation will be soon restor'd to its full and antient Lustre for Learning and good Manners.

Among the principal Benefactors to our late Buildings may be reckon'd the Reverend Dr. *John Nicolas*, Dr. *Henry Beeston*, Dr. *Richard Traffles*, Dr. *Tho. Braithwait*, successively Wardens of this College ; *Francis Turner*, Bishop of *Ely*, and Fellow hereof ; and *Peter Mews*, Bishop of *Winton*, *Laur. St. Loc*, *Edwyn Sandys*, and *Martyn Sandys* of *Omberley* in *Worcestershire*, Fellows ; and also *John Rawlinson* of *Combe* in *Hampshire*, Fellow ; the Honourable *James Bridges*, Son of the Lord *Chandos*, *John Kerle Ernlay*, *Robert Sharrock*, *James Buller*, *Phil. Butler*, *Phil. Rashleigh*, and *Hugh Barker*, Esquires, *Sir William Pels* and *Sir Cholmondley Deering*, Barons, Fellow-Commoners hereof, with many others too numerous to be here inserted, who gave as follows, viz.

Dr. John Nicolas	445
Dr. Richard Traffles	142
Dr. Henry Beeston	100
Dr. Thomas Braithwait	50

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Dr.

Dr. Francis Turner	100
Dr. Peter Mews	100
Laur. St. Loe	360
Edwyn Sandys, Esq;	100
Martin Sandys	50
John Rawlinson, Esq;	50
Hon. James Bridges, Esq;	100
John Kerle Ernley, Esq;	100
Robert Sharrock, Esq;	100
James Buller, Esq;	50
Phil. Butler, Esq;	50
Phil. Rashleigh, Esq;	50
Hugh Barker, Esq;	100
Sir Will. Pole, Bar.	50
Sir Cholm. Deering, Bar.	50

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LINCOLN-COLLEGE.

THE Founder of this College was *Richard Flemming*, born at *Crofton* in *Yorkshire*, of *Cent. 7. N. 90.* an eminent Family, but was himself (as *Bale* observes) more eminent for his Learning and the Love of his Country; who after a good Foundation in Grammatical Studies, was sent to *Oxford* for a further Improvement of himself in Logick and Philosophy, and was easily admitted to his Degrees, at that time not common to many: And being Master of Arts, and afterwards Proctor of the University, he immediately became such a strenuous Assertor of *Wickliff's* Cause, that his Authority and Example seem'd to forebode much Evil to the Church of *Rome*, tho' none to Religion it self; and he had surely then ruin'd the Papal Interest in some measure, had not the Church-men strongly baited his Desires,

fires, and stop't his Mouth with some Ecclesiastical Preferment. Hereupon, by the Advice and Persuasion of the most Learned in the Uniuersity, he renounc'd his former Opinions, and with that Zeal oppos'd the same, that he design'd this College as a Seminary for Learned Men against the Followers of *Wickliff* and his Doctrines. After *Flemming* had spent some Years in the Uniuersity, he was called out from thence into his own Country, where and in the adjacent Parts he had several spiritual Benefices bestow'd on him, and among these was the Rectory of *Boston* in *Lincolnshire*. Soon after growing into high Favour with *K. Henry* the 5th, he was advanc'd to the Bishoprick of *Lincoln*, and then proceeded Doctor in Divinity at *Oxford*; and scarce had he sat in this See four Years, before he went as Legate to the Council of *Siena* (others say that of *Constance*;) where in a Learned Speech before Pope *Martin* the 5th, he so far refuted the Calumnies of the *Spaniards*, *French* and *Scotch*, cast on the *English*, that he acquir'd from thence much Reputation; and became so eminent for his Behaviour against these Nations, both in and out of the Council, that the Pope the Year ensuing thought him well deserving of the Arch-Bishoprick of *York*, and therefore recommended him to the Choice of the Dean and Chapter of that Church; which notwithstanding elected *John Kemp*, Bishop of *London*, rejecting the Pope's Commendations of *Flemming*. Whereupon returning to his See at *Lincoln*, he pass'd the Remainder of his Life there with great Peace and Tranquillity of Mind, and dying in the Year 1431, he was bury'd at the upper End of the Cathedral, on the North side thereof.

When our Founder had sat in the See of *Lincoln* for about seven Years, he began to prepare himself (according to his former Design) for the building of some College or House of Learning, for the Education of such Persons chiefly, as should preach, write, and dispute against the Doctrine of *Wickliff* and his Disciples : and for a regular Proceeding herein, he obtain'd a Licence or Charter of Foundation from *K. Henry the 6th*, bearing date the 12th of *October*, in the 6th Year of his Reign, by which he was empower'd to erect a certain College or Society, consisting of one Rector and seven Fellows or Scholars, in *All-Hallows* Parish in *Oxford*, which Parish-Church was of the Advowson of the said Bishop ; and to annex, unite, and incorporate the same, together with the Churches of *St. Mildred* and *St. Michael*, near the North Gate, and also in the Right of Patronage of this Bishoprick, to the aforesaid College ; and to call the said Churches, being thus annex'd, united, and incorporated, by the Name of *All-Hallows* Church ; and to erect and change the said Church into a Collegiate Church or Chappel ; and to annex, unite, and incorporate thereinto a certain Chauntry in *St. Anne's* Chappel within the aforesaid Church, of the Advowson of the Mayor of *Oxford* for the Time being, on this Condition, *viz.* That Mass and other holy Offices should be therein celebrated for the Souls of the Founder and such others as requir'd in the Founder's Charter. Moreover, that there be for this End two Chaplains, constititious and removeable at the Will of the Rector ; and that the College should bear the Name of *Collegium Beate Mariae & omnium Sanctorum Lincoln.* in the University of *Oxford* ; and that the said Rector and Scholars should be perpetual Patrons

trons of this Church, and become capable of buying Lands, Rents, and all other Possessions whatsoever; with a Proviso they did not exceed the Sum of Ten Pounds *per Ann.* Hereupon the Founder delegated certain Persons for the purchasing of several Houses towards the making a Site for his College; and to this end the first House bought was *Deep-Hall* belonging to *St. John's* Hospital, and lying in *St. Mildred's* Street, between *St. Mildred's* Church to the West, and certain Gardens appertaining to the Priory of *St. Frideswide* to the East: And no sooner had they made this Purchase, with some few others, but the Founder died in the very Beginning of his Work; which being depriv'd of its Parent, was committed to the Care and Guardianship of certain Surveyors, who so far relieved the afflicted State of this Society, as to set a Rector over it; and seven Fellows and two Chaplains under his Government, to be maintain'd on the Revenues thereof. Besides, the Goods and Money which the Founder bequeath'd for this End, were paid to them, to be expended on building the College, and on furnishing the same with Household Goods. And thus much of the Infancy of this College. As to the Statutes, there were none left, or (at least) not any perfected and confirm'd by the Founder, but the whole Government was left to the Rector at pleasure, to administer according to Right and Equity. Soon after this, several well-dispos'd Persons, mov'd with Pity towards this Orphan College, gave Money and Lands thereunto, to support the Wants and Necessities of it: Among whom was *John Forest*, Dean of the Church of *Wells*, and Prebendary of *Banbury*, a Prebend belonging to the Cathedral Church of *Lincoln*, who gave an Estate of five

Pounds *per Annum*, besides what he bestow'd towards the building of the College ; for which Charity the Rector and Fellows appointed an Anniversary Commemoration on the sixth of *June*, and oblig'd themselves and their Successors to a perpetual Celebration thereof; and so great a Benefactor was he to this College, that he was honour'd with the Title of Co-Founder.

John Southam, Arch-Deacon of *Oxford*, and Residentiary of the Church of *Lincoln*, gave an Estate of forty Shillings *per Ann.* besides a large Sum of Money, and several other things of Value ; for which on the 23d of *May* they also assign him an Anniversary. And *William Findern*, Esq; gave some Lands at *Sewkworth*, near *Botley* in *Berkshire*, besides the Sum of Money, which he had before laid out on the Building of this College. In the Year 1447, Cardinal *Beaufort*, Bishop of *Winton*, gave a hundred Marks : And *John Bukelot*, Presbyter, gave the Mannor of *Little Polycote* in *Buckinghamshire*, at a Place called *Aschindon* ; but in what Year is not known, the Deed of Conveyance being lost : Yet *Tho. Rotheram*, the second Founder of this Society, has in his Statutes assign'd a proper Priest for the Yearly Celebration of *Mass*, and to preach a Sermon there on the Feast of *St. Matthew* the Apostle, in commemoration of this munificent Benefactor : And thus far of the former Foundation of this College, and its Benefactors.

I now come to relate by what Methods and Authors this College was finish'd. When *Tho. Rotheram*, alias *Scot*, Bishop of *Lincoln*, came to *Oxford* in the Visitation of his Diocess, and among other things here, came to see this College, *John Tristroppe*, then Rector, receiv'd him with a Speech, as usual on such Occasions ; and
making

making use of this Verse in the *Psalms*, viz. *Behold and visit thy Vine, and perfect that which thy Right Hand hath planted*, it was such a Spur in the Bishop's Side, that he immediately resolv'd to become a Benefactor hereunto, and cou'd scarce contain himself till *Tristrophe* had made an end of his Discourse, wherein he complain'd of the great want of Buildings, and of Scholastick Discipline: whereupon the Bishop answer'd, that he would do all that was desir'd; and in the Year following he finish'd the whole Building, and augmented the Number of Fellows from seven to twelve, and for their Subsistence appropriated two Benefices, the one called *Twyford* in *Buckinghamshire*, and the other *Long Compton* in *Oxfordshire*. He moreover gave them a Body of Statutes on the eleventh of *February*, 1479. subscribed with his own Hand, for the Government of this Society, according to *Tristrophe's* Desire; herein among other things ordaining, that in the Election of a Rector and Fellows, great Regard should be had to the Diocesses of *Lincoln*, *York*, and *Bath and Wells*, viz. That the Rector should necessarily be chosen out of the Diocess of *Lincoln*, and that the Fellows should be chosen out of the Diocesses above-mention'd, with a particular Respect had to the Parish of *Rotheram*, if there were any there of qualify'd for this Election. This *Rotheram* was Lord High Chancellor of *England*, and by a Translation from *Lincoln* made Arch-Bishop of *York*.

After him there follow'd many Benefactors, and as there were some who only gave certain Rents for the observing of perpetual anniversary Commemorations of themselves; so there were others, who augmented the Number of Fellows; among whom was *Walter Bates*, a Commoner

Commoner of this College, who gave a House and Gardens in the Neighbourhood of this College; whereupon the Rector and Fellows by a Bond oblig'd themselves and their Successors to celebrate a Yearly Obit for him: And also *John Crashy*, Treasurer of the Church of *Lincoln*, gave a hundred Marks for the Purchase of Lands to maintain one Chaplain Lawyer: And *William Dagyle*, an Oxford Gentleman, by his last Will devis'd unto this Society a Tenement called the *Christophers* in *Magdalene* Parish, and another called *Dagyle-lan* in *All-hallows* Parish, with another Tenement in *St. Martin's* Parish; and lastly he gave a Garden lying in *Great-pont* Street (near Oxford) in *Berkshire*, which were in Reversion to descend to this College after the Death of his Wife. *Edmund Audley*, Bishop of *Sturum*, at the Instance of *Dr. Tho. Drax*, Rector, gave the Sum of 40 Pounds for the Purchase of certain Lands in *Buckinghamshire*, to buy Gowns or Liveries for the Fellows, and besides this Benevolence, he gave unto them the Patronage of a certain Chantry about the same time founded by himself in the Chappel, which he built in the Cathedral at *Salisbury* on the South side of the high Altar. And some Years before this Gift of *Audley's*, *William Smith*, Bishop of *Lincoln*, gave hereunto two Mannors, the one in *Staffordshire* and the other in *Oxfordshire*; and 'tis certain, that he intended to have bestow'd on this College all the Estate, &c. which he settled on *Brazen-nose Hall*, if the Rector and Fellows wou'd have comply'd with the Conditions of his Charity.

Edward Darby, sometime Fellow of this College, and then Arch-Deacon of *Stow* in *Lincolnshire*, gave Money for the Purchase of Lands to the Yearly Value of two Hundred Pounds, for the

the Maintenance of three Fellows above the aforesaid Number of twelve ; one of which he would have to be born within the Archdeaconry of *Stow*, another in *Northamptonshire* or *Leicestershire*, and a third in *Oxfordshire* ; and that these should altogether enjoy the same Privileges of the College with the rest of the Fellows.

William Findern, Kt. Son of the aforesaid *Findern*, gave some Lands at *Chalgrave* in *Oxfordshire*, of the yearly Value of twenty Shillings, Reptises excepted, for an anniversary Sermon to be preach'd at *Chilrey* in *Berkshire*, making mention of him and his Wife in their Prayers.

Jane Trapps, Widow of *Robert Trapps* of *London*, by her Will commanded her Executors to assign over unto this College certain Lands of hers in *Kent*, for the Maintenance of four Scholars herein by way of Exhibition ; which she would have called *Trapps* Scholars ; two of these are to be chosen from any Place whatsoever by the Rector and Fellows, and their Successors ; and the other two alternately by the Trustees of the Free School at *Sandwich* in *Kent*, founded by *Roger Manwood*, Serjeant at Law, and one of her Executors ; the Rector and Fellows having the Nomination of one ; and the Trustees the Nomination of the other ; and to each of these Exhibitioners she allocated the Sum of two Pounds thirteen Shillings and eight Pence per Annum.

John Smith, formerly Rector of *Wykeham* *Breton* in the Diocese of *Canterbury*, gave an Annuity of fifteen Pounds, issuing out of certain Lands in the Parish of *Wingham* in *Kent*, to the Rector and Fellows, for the yearly Maintenance of one Scholar Exhibitioner, on the Allowance of fourteen Pounds ; and the other twenty Shillings he gave to the Use of the College : And
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Tho. Haynes, of the Parish of *Christ Church* in *London*, by Will bequeath'd six Pounds per Ann. towards the Education of two Exhibitioners, to be chosen by the Mayor, Recorder, and three Senior Aldermen of the Town of *Leicester*, of his Consanguinity, wheresoever born or educated; and in deficiency of these, out of the Free School of *Leicester* or *Melton* in the said County.

The foremost Quadrangle on the West side of this College, is the most antient Structure of the whole Building, being erected soon after the Founder's Death, partly out of the Money which he bequeath'd for this End, and partly from the Benefactions of others, among whom I have already remembred *Will. Findern*, Esq. The Rector's Lodgings, and the South side of the first Court were built out of the Money of *Tho. Bekyngton*, Bishop of *Bath and Wells*, which he gave for this End in his Life-time, viz. two hundred Pounds: whereupon the Rector and Fellows bound themselves in a Bond to his Executors, *Hugh Sugar*, *John Pope*, and *Rich. Swan*, to observe an Anniversary in remembrance of this Bishop: and the remaining Part of this South side was erected at the Expence of *Rothelram*, second Founder hereof. The Western side of the Lesser Court was built 1612. out of that Money, viz. 300 l. which *Sir Tho. Rothelram*, Knt. and some time Fellow of this College, gave, in the Reign of Queen *Elizabeth*, to make good the Damage which the College had sustain'd by him formerly, when he went off in Burfarship (as they say) with a great Sum of the College Treasure, and privily fled into *Ireland*. The East Part thereof was set up at the same time with the new Chappel, partly by the Liberality of the Benefactors, among whom

whom were *Peter Manswood*, Knt. who gave 30*l.* and *Rich. Franklin*, who gave 20*l.* about the same time as the West side was built. The publick Hall on the East of the greater Court, together with the Buttery and the Chambers over the same, and the Kitchin, were built by *John Forest* aforesaid. The Library, together with the Chambers under and over it, and the old Chappel contiguous hereunto, make up the North-side of the great Court: This Library was also erected at the same time by the said *Forest*, whereinto were put the Books which the Founder himself bequeath'd, with those given — 1432. by *Thos. Gascoigne*. In the Year 1636. this Library was converted into a Chamber and Closets, the whole Furniture being remov'd to the old Chappel, which being contiguous, was chang'd into a Library at the Expence of *Nathaniel Crew*, the present Bishop of *Durham*, but then Fellow of this College.

As to the Chappel; the Society were first wont to assemble in *St. Mildred's Church* for the Celebration of Divine Service, and that always, unless it was when the College Statutes requir'd them to meet elsewhere on the Feasts of *St. Michael* and of *All-hallows*; but this Church has been demolish'd with Age long since, and in the same Place or near, from the Stones thereof, a certain Oratory was erected with two Chambers under it, at the Cost of the said *John Forest*, Dean of *Wells*, who, for the building thereof and the Buttery by it, purchas'd certain Ground-plots of the Burgesses of *Oxford*, and not long after, viz. on the 10th of February, Divine Service was had therein, in honour of *St. Mildred* or *St. Hugh*, Bishop of *Lincoln*, or both, to whom it was dedicated; and it was call'd by the Name of the *Patroness* till *Hen.* the 8th's — 1436.

8th's Time. In the Year 1631. the present Chappel was built at the Expence of *John Wilkins*, Bishop of *Lincoln*, and as such the Visitor of this College; and on the 15th of *September*, it was consecrated by *Rich. Corbet*, Bishop of *Oxford*.

ALL-SOULS COLLEGE.

ALL-SOULS College, in point of Time founded next unto *Lincoln*, is situated in *St. Mary's* Parish, in the *High-street*, near the Church of that Name; the Founder hereof being *Henry Chicheley*, the Descendant of a good Family at *Higham Ferrers* in *Northamptonshire*, where he was born, and being of a fit Age, was sent from thence to *Winchester-School*, and plac'd on the Foundation there, for the sake of *Grammar* Learning, and in the Year 1387. was by a solemn Election translated to *New-College* in *Oxford*; wherein, after a laudable Progress in Academical Studies, by an assiduous Application thereunto, he proceeded Doctor of *Civil Law*, and was deservedly esteem'd among the chief Ornaments of that Society, which he soon after left for a Life of Pleasure in the Country. But *Rich. Medford*, Bishop of *Sarum*, knowing the Merits of this Person, if he could prevail on him to follow Business, sent for him into his Family, among his Friends and Acquaintance, and (before all others) prefer'd him to be of his intimate Council, who was by this Bishop made Archdeacon of *Sarum*, and then Chapcellor of the Church of that Name; and in these Offices giving Proofs of his great Prudence, by this Bishop's Means he became known to King *Henry*

A. D. 1402.

ry IV. and was by him sent in frequent Embassies to foreign Princes ; and having the Management of the highest Matters of State committed to him herein, he approv'd himself a faithful Agent, and an excellent Counsellor: Whereupon he soon grew in such Favour with the King, that on the Death of *Guy Mohun*, Bishop of *St. Davids*, he succeeded to that See, and was consecrated Bishop thereof by the Hands of the Pope himself, then residing at *Siena*. From this Time he became more and more in the King's good Graces, and in Favour with his Son, in this See giving sufficient Evidence of a Mind fit for the Care and Conduct of Matters of the greatest Consequence in Church and State : and about five Years after he was by *Henry V.* advanc'd to the Archbishoprick of *A. D. 1414* *Canterbury*, on the 19th of *July*, and receiv'd the Pall from the Hands of the Bishop of *Winton* in the most solemn manner.

Being in this high Station of Preferment, he amassed together great Riches, which in his Life-time he laid out on pious Uses ; for besides his Buildings at *Oxford*, and at *Higham-Ferrers*, he gave to this University 123 *l.* 6 *s.* 8 *d.* which was put in a Chest called the *Hutch*, and *Chichley Chest* ; from whence the University might borrow 5 *l.* and each College as many Marks, besides *New College*, unto which he had given the like Sum, and therefore forbid the Fellows thereof to borrow from this publick Chest. After *Chichley* had sat in the See of *Canterbury* 29 Years (which none of his Predecessors had done for 500 Years before) he died on the 12th of *April* 1443. and lies buried under a beautiful Monument fail'd in with Iron-Grates on the North-side of the Choir at the Cathedral Church of *Canterbury*. *Chichley* advising with his Friends
on

on what Monuments of publick Charity he should expend the great Wealth he had heap'd up, was counsell'd to build an Hospital for the *Invalids* sent back into *England* from the *French Wars*: But this Advice did not please him so well; for he rather chose to provide for the Souls of the Dead than for the Bodies of the Living, in hopes of saving his own Soul hereby, and therefore resolv'd to erect a Society of a different kind; for which End he purchased a Royal Charter dated at *Southwick*, *May 2.* and finish'd his Building at *Higham-Ferrers*, in the Course of a few Years, endowing the same with Possessions for the Maintenance of 8 Chaplains, (one of which bearing the perpetual Office of Warden or Rector) four Clerks, and five Choristers; commanding these to pray for the Soul of himself and his Parents: He dedicated this Society to the *Blessed Virgin*, *St. Thomas of Canterbury*, and *Edward the Confessor*; whereunto he afterwards added an Hospital, erected for the Poor of this Place; to which, besides the Fragments of Bread and Meat left by this College, he assign'd certain yearly Revenues; and his two Brothers, *Robert* and *William Chicheley*, Aldermen of *London*, so far augmented its Income, that this College-Estate at the Time of the Dissolution of the Society in *Henry VIII's* Reign, was rated at 150 *l.* 2 *s.* old Rent, as it is called. The next Monuments of *Chicheley's* Munificence were his two Colleges of *St. Bernard* and *All-Souls*; the last of which I shall speak of in this Place: For as soon as this Archbishop had Thoughts of erecting any Society here, and of dedicating the same to University-Learning, he empower'd certain Friends of his own to purchase several Tenements; the first of which were *Beresford-Hall* and *Cherleton-Inn*,
bought

bought of *John Bröme* the Elder, and *John* the Younger, of *Warwick*. 2dly, A Tenement called *Grand-Pont* Hall, situated in *Carstreet*, between *St. Thomas-Hall* on the South, and a House belonging to the Priory of *St. Frideswyde*, on the North, bought of *Joan Bereford*, Relist of *John Bereford* the Elder. Having purchas'd these and other Houses, the Founder proceeded to lay the first Foundation Stone of this College, on the 10th of *February* 1437. with great Solemnity, in the Place where *Bereford-Hall* stood; and the Charter of Incorporation bears Date on the 20th of *May*, in the 16th Year of *Henry* the 5th's Reign, wherein the King is said to have founded a College for one Warden and twenty poor Scholars, in a certain Messuage call'd *Bereford*, and heretofore *Charleton-Inn*, consisting of six Shops and a Backside, which *Tho. Chicheley*, Archdeacon of *Canterbury*, *Henry Penworth*, and *Robert Danvers*, the Curators, had convey'd to the King at the Archbishop's Command; and that *Richard Andrews*, Clerk and Fellow of *New-College*, should be the first Warden, and that the 20 Fellows should be taken out of the Colleges and Halls in *Oxford*, and that it should be lawful for them to double their Number, and not increase it further, and to chuse Fellows without consulting the King; that the College should be called by the Name of *Collegium Animarum Omnium defunctorum de Oxon.* which should be empower'd to make a Common Seal for the Dispatch of publick Business, and to purchase Possessions of the yearly Value of 300 *l.* and to be exempted from all Corrodies, Pensions and Annuities whatsoever, and in the Vacancy of the Headship for the Fellows to receive all Rents, &c.

Not long after the Founder transmitted to his College a Body of Statutes compiled by *William Lyndwood*, on the Model of those of *New-College*, wherein he augmented the Number of Fellows to forty, to be continued by a yearly Election on *All-Souls* Day, requiring twenty-four of them to apply themselves to the Study of Divinity and Philosophy, and the other sixteen to the Science of the *Civil* and *Canon* Law, calling these *Lawyers*, and the others *Artists*. After he had deliver'd to them Statutes, and encreas'd the Number of his Fellows, which he would have to be born in lawful Wedlock, and within the Province of *Canterbury*: He added hereunto certain Chaplains, Clerks and Choristers, which might be more or less according to the Fellows Discretion, and then he proceeded to the Purchase of other Houses, &c. for the Building of his College, buying two Tenements of the Priory of *St. Frideswide*, the one in *High-street*, and the other in *Catstreet*, next to a Tenement of *St. John's* Hospital, on the North, and *Tyngewick-Hall* on the South. Afterwards, on the 11th of *September*, 1442. there was another Purchase made of *Osney-Abby* and *St. Thomas-Hall*, on the Area of which Ground now stands the College-Chappel; and on the 1st of *November* another Tenement was added hereunto, purchased of *Oriel College*, between a Tenement belonging to *Rog. Skybow*, on the East, and another belonging to the Priory of *St. Frideswide*, on the West, on the Western side of the College Gate. Besides the Purchase-Money for Land and Houses which now make the Scite of the College, the Founder expended the Sum of 4545 *l.* 15 *s.* 5 *d.* in erecting the Buildings of this Society: And as to the Endowment of the same, he greatly endeavoured

vowed to render the same large, honourable, and magnificent; and to this End he begg'd of the King certain Priories about this Time taken away from the Priors Aliens, who convey'd hereunto first the Mannor of *Weston-Pinkney*, in *Northamptonshire*, with the Churches appertaining to this Priory, by Right of Patronage; which Mannor or Priory came to the King himself, on the Death of his Grandmother, late Queen of *England*: This Priory was dissolved by the Parliament held at *Leicester* the last of *April*, in the 2d Year of *Henry V.* 2dly, The Priory of *Rumney*, alias the Rectory of *Rumney* in *Kent*, together with the Rectory of *Upchurch* in the same County, which belong'd to a certain Convent in *Normandy*. 3dly, The *New-Convent* near *Abberbury* in *Shropshire* (the Cell of the Monks of *Grandmont* in *France*) founded by *Fulk* the Son of *Warren*, about the Year 1140. 4thly, The Priory of *Languenish* in *South Wales*; formerly of the *Benedictine* Order. These and all others *Edward* the IVth, on his Accession to the Crown, is said to have confiscated and detain'd in his Hands till the Society submitted themselves to his Dominion, and acknowledged their Error for their Adherence to *Henry* the VI's side, in the Dispute between them for the Kingdom.

There was given to this College by the Founder himself in Money at the Time of his Decease the Sums of 134 l. 6 s. 8 d. and 1000 Marks; the first of which Sums his Executors paid on the 8th of *November*, 24 *Hen. 6.* and the other was paid by them about three Years after, and laid up in a certain Chest for the Use of the College.

Among those illustrious Men whose Names are recorded to Posterity for their Benefactions

hereunto, is first *James Goldwell*, Bishop of *Norwich*, who besides several Sums of Money given to this Society in his Life-time, at the Time of his Death bequeath'd the Sum of 146 *l.* 13 *s.* 4 *d.* *William Petre* of *Ingatestone* in *Essex*, gave hereunto a small Portion of Land adjoining thereunto, in the Time of Queen *Mary*. *Edward Napier* of *Halymwell* in the Suburbs of the City of *Oxford* Gent. A. M. and heretofore Fellow of this College, by his Will dated the 8th of *August*, 1558. gave certain Lands lying at *Southpeterton* in *Somersetshire*, of the yearly Value of 4 *l.* 16 *s.* together with a Tenement at *Wheatley* in *Oxfordshire*, of the yearly Value of 1 *l.* 11 *s.* for the Anniversary Celebration of his *Obit*, whereon the Sum of 26 *s.* and 8 *d.* was to be divided among three poor Fellows, each of them to be named by the Warden, which were to be in Priests Orders, or to go into these Orders within three Years after their first Receiving this Exhibition.

The Rectory of *Stanton-Harcourt* in *Oxfordshire* was convey'd unto this College by Letters Patents from Queen *Elizabeth*.

Christopher Codrington, Governor of the *Leeward Islands*, and formerly a Fellow of this College, besides a Study of Books of great Value, at the Time of his Decease, by Will bequeath'd hereunto the Sum of 10000 *l.* for the Building of a stately Library for the Use of the Society, and furnishing the same with Books. And lastly,

George Clarke Doctor of Laws and Fellow of this College, has built at his own Expence very elegant Lodgings, which after his own Death are to come into the Possession of all the future Wardens of this College, for their Use and Service, when the present Warden's Lodgings are

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are to be delivered up to the Use of the Fellows.

All the Buildings of this College besides the Cloysters, which were on the East side lately pulled down and rebuilt in a Piazza Manner at the Charge of the College, were erected by the Founder himself in his Life-time. The Library on the Eastside of the Quadrangle was partly furnished with Manuscripts; and about the same time that *Chicheley* gave these, *Henry Penworth*, one of the first Fellows, and this Archbishop's Attorney, gave certain other Books to the Value of 40 Marks, not to mention those given by *Rich. Andrews*, *John Stokys*, *David Pole* Bishop of *Peterburgh*, *Sir John Mason* Knight, &c.

On the North side of this Quadrangle is placed the Chappel, which *Chicheley*, obtaining a Bull from Pope *Eugene IV.* in the 9th Year of his Pontificate, erected not only for the Celebration of Divine Service therein, but for the Burial of Bodies deceased: And as soon as this neat and elegant Edifice was raised to the Top, *Chicheley* came to *Oxford*, and with the Assistance of *Will. Bishop of Lincoln*, *Tho. Bishop of Worcester*, and *Tho. Bishop of Norwich*, he consecrated the same in Memory of all the Saints departed, making first an Agreement with *Oriel* College (to which *St. Mary's Church* belongs, and which on this score received 200 Marks) for exempting his Society from hearing Divine Service therein, and from the Payment of all Dues whatsoever heretofore paid thereunto, ——— 1443-

The Archbishop of *Canterbury* for the Time being is the local Visitor of this College. Archbishop *Crammer* in the Year 1541. by a Commission dated the 12th of *May*, visited this College upon the Complaint of the ill and loose Behaviour of the Fellows of this House, grown

scandalous for their Factions, Dissensions, and Combinations one against another; for their Computations, Ingurgitations, and other enormous and excessive Vices. In this Visitation the Archbishop gave them a Set of Injunctions, Declarations, and Interpretations of their Statutes, to the Number of 24. one of which was for the Residence of the Warden, not to be absent above 60 Days in the Year.

MAGDALEN-COLLEGE.

William Patten, the Founder of this College, was born at *Wainfleet* in *Lincolnshire*, where liv'd his Father, *Richard Patten*, and his Mother *Margery*, Daughter of *Richard Brereton* Knight, his Father and Mother being both descended from antient Families in their respective Countries, had besides *William* two other Sons, the one named *John*, a Graduate in this University, and afterwards Archdeacon of *Surry*, and (as some say) Dean of *Chichester*; and *Richard* of *Baselow* in *Derbyshire*. *William*, sur-named *Wainfleet*, from the Place of his Birth, according to the Custom of the Monks in those Times, was for the first Part of his Education sent to *Wickhams-School*, near *Winchester*, and from thence remov'd to *Oxford*, tho' to what College some have doubted, but most probably to *New-College*, as Tradition has deliver'd it down; others say to *Merton*, and that he was either Chaplain or Post-Master therein. He stay'd not long in *Oxford* after he was promoted to the Degree of a Batchelor in Divinity, (a Degree in that Age not so common as in the present) but was made chief Master of *Winchester*.

Wainfleet, which is a vehement Presumption that he was a Fellow of *Wickham's* College in *Oxford*, it being a Post of good Reputation and Profit, and never given to any other than a *Wickhamist*) wherein he continued for twelve Years together, and was then advanc'd by his good Patron K. *Henry VI.* to be Provost of *Eaton* College; and lastly, on the 30th of *July*, 1447. he was created Bishop of *Winchester*, over which he presided 39 Years, in which time he was for 9 Years Lord High Chancellor of *England*, viz. from the 11th of *October*, 1449. to the 7th of *July* 1458. quitting this Office a little before the Battle of *Northampton*. He stuck close to the Interest of his afore said Patron, so that he was frown'd upon by King *Edward IV.* and in the Employments of Bishop and Chancellor (as premised) he amassed together Money enough to attempt great Designs, and by some publick Work of Charity to perpetuate his Name to after Ages; and to this End he first built a Hall, and then a College at *Oxford*, dedicating both of them to *St. Mary Magdalen*; of which in their proper Order.

Wainfleet first intending to found a Hall, purchased a Royal Charter, bearing Date the 6th of *May*, in the 26th Year of *Henry VI.*'s Reign, whereby he was enabled to institute and settle 50 graduate Scholars therein, which Number might be increased or diminished according to the Augmentation or Diminution of the Revenues purchased, and wherewith he endow'd the same, besides the Power given him of settling a yearly Estate of 100 Marks thereon, and the Right of having a Common Seal for the Dispatch of publick Business, which was also expressly granted in the said Charter.

After this he commissioned *John Goodmanston* of *Essex*, Esq; to find out a fit Place for the Structure design'd by him, who agreed with the Master and Brethren of *St. John's Hospital* without *East-gate*, for the Purchase of certain Lands and Houses leading from this Gate of the City to *St. Johns-street*, Eastward, and to *Horse-mullane*, now called *Logick-lane*, Westward. These Tenements, besides Gardens and Back-sides, were nine in Number, and among them was *Borstar-Hall*, *Hare-Hall*, *Peverith-Hall*, and *Nightingale-Hall*; and when he had bought these he delivered them into the Founder's Hands, to be applied to the aforesaid Uses; who being in Possession thereof, immediately converted them into one Hall dedicated to the Honour of *St. Mary Magdalen*, wherein he placed the Persons hereafter mentioned, as appears by a Charter of Foundation dated the 28th of *August*.

Borstar-Hall, being 135 Feet in Length, and 37 in Breadth, was situated the next House Westward of the *Saracen's Head* in *High-street*, formerly called the *Scruple-Office*. *Hare-Hall*, 75 Feet in Length, and 66 in Breadth, &c. After this the said President and Fellows, or Scholars, bought four other Tenements of *University-College* for the Enlargement of their Hall, two of which were on the East side of *Borstar* or *Magdalen-Hall*, and the other two between *Horse-mullane* and *University-College*, one of which going by the Name of *Little University-Hall*; and all these Houses the Founder pull'd down to make Room for his Hall; and so far of *Magdalen-Hall* for the present is sufficient. I proceed in the next Place to speak of the Foundation of this College, and of transferring the Scholars of this Hall into a College.

For

For the Founder having for some while before designed this Work, reported the Matter to King *Henry VI.* who would have had him begin the same at *Cambridge*; but *Wainfleet* excusing himself put the King in Mind of his Leave promis'd him for the converting of *St. John's Hospital*, built by the King's Ancestors, to the Use of *Letters*; to which his Majesty assented, and immediately on the 27th of *September* he gave the Hospitalars Leave to quit the same for ever to the President and Scholars of *Magdalen-Hall*, with a Power granted on the 27th of *October*, of conveying the Advowson of this Hospital to the Founder; which they presently doing, the same was on the 5th of *July* deliver'd into the Hands of the aforesaid President and Scholars, at the same time assigning unto them all their Mannors, Lands and Possessions, Spiritual and Temporal, belonging to the Hospital; for which the President and Scholars stipulated to allow them a Maintenance during their Lives. After this Assignment the Founder on the 18th of *July* the same Year, was empower'd by a Royal Charter to found a College on certain Lands lying without East-gate, on this side the River *Cherwell*, procuring for his College the Confirmation of an Estate of 100 *l. per Ann.* granted thereunto. After this Settlement the President and Scholars in the Month of *June*, convey'd this Hospital over to the Founder himself, who on Possession thereof chang'd it into a College on the 12th of the same Month and Year, and therein placed the Persons to be elsewhere remembred; unto whom he forthwith granted Leave of electing and admitting other Fellows thereinto, and within three Days after, the President and Scholars of *Magdalen-Hall* deliver'd the same up to this new College, and were

A. D. 1456,

— 1457.

— 1458.

were therein chosen themselves by a new Election.

The Founder having establish'd these Matters according to the usual Forms of Law, and obtaining an additional Confirmation of this his Foundation through the Means of a Bull from Pope *Calixtus* III. and afterwards from Pope *Sixtus* IV. by which Bulls he exempted his College as much as in him lay from all Legatine, Archiepiscopal and Episcopal Jurisdiction and Authority, and made it only subject to the Power of the Bishop of *Winton*, as local Visitor, giving unto him the Probat of Wills of all such Persons as were of the Number of his Foundation, if they happen'd to die within the College. During the Time the Structure of this House was raising, he plac'd his Fellows either in the Neighbouring Hospitals or in *Magdalen-Hall*, and in promoting of this Work he chiefly made Use of *William Orchard*, as his Undertaker in Masonry, in building the Tower, after he had finish'd the great Quadrangle, Hall, and Chappel, who added Buttresses to the Hall and Chappel, and made an End of the Library, Cloysters, Chambers, &c. and lastly built the great Western Window of the Chappel, after the Model of that of *All-Souls* College. All these Buildings the Founder liv'd to see finish'd out of the Quarries at *Hedington*; and the Number of Fellows design'd by him being compleated, he now assembled them under one Roof, whereas they were before distributed in different Habitations; and provided for all the surviving Hospitalars with Food and Lodging, during their Lives. And *Magdalen-Hall* laying aside its new Name, was again called *Boslar-Hall*, and was inhabited by the Students of the University for many Years afterwards, wherein *John Scymour*, and *John Collys* were Principals, about the End of

Edward

Edward IV's Reign: But when many of the Halls lay void, and this among the rest, the College let out the same to *Thomas Brown*, a Taylor, and after him to *Rog. Backster*, a Vintner. No sooner were the Buildings of this College in this manner perfected, and the same inhabited, but the pious Founder, after mature Deliberation touching the Government thereof, sent a Body of Statutes to the President and Fellows, form'd on the Plan of those of *New-College*; in the Beginning of which Statutes he ordains this Foundation to be a perpetual College for poor and indigent Clerks in the University of *Oxford*, studying the Arts and Sciences; and that it should enjoy and bear the Name of *St. Mary Magdalen College*, in Honour of the Blessed Virgin, *St. Mary Magdalen*, *St. John the Baptist*, *St. Peter* and *St. Paul*, the glorious Confessor *St. Swithin*, and of all the Tutelary Saints of the Cathedral Church of *Winton*. The Number of Fellows settled herein, which he would have perpetual, is forty; three of which *John Ingleden* and *John Foreman* founded by the Permission of *Wainfleet*, as will be shewn by and by; and the Founder moreover appointed thirty poor Scholars call'd *Demies*, or Semi-Commoners, with four Chaplain-Priests, eight Clerks, and sixteen Choristers, besides Servants.

A. D. 1479.

Among the Number of forty Fellows (as has been said) *John Ingleden*, Clerk, settled two in the Year 1461. and for the Maintenance of these he gave certain Lands in *Yorkshire*, being his own County; which two Fellows he would have born in the Diocesses of *York* or *Durham*, and educated in the Study of Divinity only: And *John Foreman* added a third Fellow about the same time, whom he would have elected out of his Consanguinity, and if no such Person should

should hereafter appear, the President and Fellows might chuse any one of the Parishes of *Rothwell* or *Kuston*, near *Wakefield* in *Yorkshire*, in one of which this Benefactor was born, and in the other preferr'd to an Ecclesiastical Living; and for Defect of such Parishioner they might elect in the Neighbourhood.

William Fitz-Alan Earl of *Arundel* (of whom this College's Charters make frequent Mention) by Indenture stipulated with the President and Fellows on the 10th of *October*, 1 *Rich.* 3. that they and their Successors for ever would celebrate daily Mass for the Soul of himself, and the Soul of his Son *Tho. Maltravers*, and the rest of his Ancestors, at an Altar from thence called the *Arundel*-Altar; and that all Doctors and Masters in this College would mention them as well in their Prayers here in *Oxford*, as in their Prayers before their Sermons at *Paul's Cross* in *London*; and on this Condition he gave them the Hospital of *St. James* at *Aynoe* in *Northamptonshire*, with all the Lands and Appurtenances.

James Preston, S. T. P. *Will.* and *Rob. Preston*, A. D. 1487. A. M. all of *Lancashire*, gave Money for the buying of certain Estates for the Augmentation of four Fellowships, consisting of Persons in holy Orders, and at the same time honoured with some Degree in Arts, assigning unto each of these an annual Pension of 4 Marks.

Rich. Fox, Bishop of *Exeter*, and Founder of *Corpus Christi* College, gave also a Sum of Money for the Maintenance of a Chaplain to say Mass for his Soul. This was in the 4th of *Hen.* VII. from whom *Fox* obtain'd a new Charter of *Mortmain* for this College, enabling it to purchase Lands to the Value of 100 l. per Ann.

Rich. Barnes, some time Fellow of this College, gave some Lands at *Hedington* near *Oxford*,

ford, for a yearly Stipend to the Vice-President, which Office he bore for many Years before.

Rich. Guildford, Son and Heir of *Edw. Guildford*, Warden of the *Cinque Ports*, gave two hundred Pounds for the purchasing of certain Lands at *Swabye* in *Lincolnshire*, the Rents of which are to be distributed to the Use of four Fellows, viz. four Marks to each of the three Senior Fellows, and forty Shillings yearly to the Junior Fellow. This Sum of Money was confign'd to the College by his Executor, *Edw. A. D. 1581* *Lee*, Arch-Bishop of *York*.

Rob. Morwent, first a Fellow of this College, and afterwards President of *Corpus Christi*, gave eighty Pounds for the Purchase of Lands at *Stanlake* in *Oxfordshire*, to the Value of four Pounds, for the Use of four *Demies*, to be distributed by way of Exhibition every Term, five Shillings to each.

John Claymund, some time President, gave some Lands in *Oxfordshire* and *Hampshire*, for the Payment of five Shillings a-piece to four Fellows, and four Pence to three *Demies* every Term: And *John Hygden*, S. T. P. and President hereof, gave a hundred and eighty Pounds for the buying of Lands at *Horsington* in *Lincolnshire*, to the Value of eight Pounds per Annum, together with the perpetual Advowson of the Church there; and the Profits of these Lands were to be divided among four Probationer Fellows, and four *Demies*, viz. five Shillings every Term to each by way of Exhibition.

The three Persons last mentioned, viz. *Morwent*, *Claymund*, and *Hygden*, gave other Sums of Money for the Purchase of Annuities at *Stanlake*, which were to be divided among the President and all the Fellows and other Members of the Society in the first Week of *Lent*. Nor ought

ought the Benefaction of *Tho. Philips*, sometime Fellow of this College, to be omitted ; who at his Death devised all his Lands thereunto, for the Support of an Exhibition of six Pounds *per Annum*, to be distributed among six poor and indigent Fellows by equal Sums.

Tho. Parret, another Fellow hereof, lodg'd in the Hands of *Dr. Oglethorpe* and *Dr. Coveny*, the Sum of 140 l. for the buying of Lands of the yearly Value of six Pounds at *Stanlake* ; for which the President and Fellows agreed by a certain Deed of Composition to appoint a publick Sermon in the College on every *St. Mark's Day*, to be preach'd by some Fellow of the Society, to be named by the President ; for which he was to receive forty Shillings at the four quarterly Terms of the Year. And secondly, that on the Monday before this Feast, immediately after the Celebration of his Commemoration, twenty Shillings should be distributed among the President and Fellows present hereat, unless any of them shou'd be hinder'd from this their Attendance by Sickness : Among the Choristers five Shillings and four Pence, and sixteen to the Organist was to be given (his Father being of this Profession) and the other twenty was allocated to the Augmentation of Commons on that Day, and for a publick Speech to be made by one of the *Demies* the same Day at Dinner-time in the Hall.

If we consider the Buildings of this College, they were at first no other than the Edifices of *St. John's Hospital* so often remembered ; but these being too narrow and scanty for the Reception of so large a Number of Students, were for the most part pulled down, and the College was by the Founder himself reduced to the present Form thereof, laying the first Foundation-
stone

stone at the Altar in the Chappel, on the 5th 14. Edw. 4. Day of May. The President's Lodgings on the North side of the first Court, in your Entrance to the College, were erected under the Presidency of Dr. *Humphreys*. The Chaplains Court was built about the first Year of K. *Henry* the 8th's Reign, after the finishing of the Tower, and the New Buildings on the East side of the Common Hall, assign'd unto the Gentlemen-Commoners, were set up at the College Expence (in the Year 1635.) for the most part: the Kitchin being almost the same with that during the Time of the Hospital.

On the South side of the great Quadrangle stand the Hall and Chappel, built in the Founder's Life-time, whilst this Society inhabited *Magdalen-Hall*, as it did before the College was built, and celebrated Divine Service in St. *Peter's* Church in the East; and when the Society was transferr'd to the aforesaid Hospital, it was then performed in an Oratory of that House, on the South side of the present Chappel, which was not finish'd till *Edward* the 4th's Reign.

On the West side of the great Court is also situate the Library, built in *Wainfleet's* Life-time, and unto which he coming to *Oxford*, gave 80 Volumes, most of them being Manuscripts. This Library has had many Benefactors, but for Brevity's sake, I shall omit them all but one, viz. *John Warner*, Bishop of *Rocheſter*, who at his Death and in his Life-time gave a thousand Pounds towards providing Books for the same.

The Local Visitation of this goodly Society appertains to the See of *Winton*, and has been frequently visited by the Bishops of that Diocese; but never so sorely, as by an Ecclesiastical

cal High Court of Commission in the unhappy Reign of King *James II*, when Popery and Slavery were breaking in upon us like a huge Inundation : And because the boldest Strokes of that arbitrary Spirit, by which this King's Councils were animated, were seen in a particular manner through the Course of this Visitation, a short Relation of the whole Proceeding cannot be thought foreign to my Purpose.

This College being one of the noblest Foundations, that perhaps was ever erected for Learning in the World, was look'd upon by the *Papist* Clergy with an envious and greedy Eye, as a rich Prize ; and therefore they made their utmost Efforts to snatch it from the Hands of the Protestants. This illustrious Society, from repeated Grants of Kings confirmed by Parliament, and from their own Statutes, were in an uninterrupted, as well as uncontested Possession of a Right to elect their own President. That Place being vacant by the Death of *Dr. Clark*, the Vice-President gave notice to all the Fellows present in the Chappel, to proceed to the Choice of another on the 13th of *April* following, to fill up the Vacancy. But before the Day of Election, being informed of Royal Mandatory Letters granted in favour of *Mr. Anthony Farmer*, a Man of an ill Fame, who had promis'd to declare himself a Papist, the Fellows in their Petition most humbly represented to the King, ' That the said *Farmer* was a Person incapable ' thereof in several Respects, according to their ' Founder's Statutes ; and did most earnestly ' beseech his Majesty either to leave them to ' the Discharge of their own Duty and Conscience, according to his Majesty's late most ' gracious Toleration and their Founder's Statutes, or to recommend such a Person, who ' might

' might be more serviceable to his Majesty and
 ' the College. This Petition lay four Days in
 the Hands of the President of the Council, and
 at last it was answer'd; That *the King must be o-*
bey'd. April the 11th, the King's Mandate was
 deliver'd by *Robert Charnock*, A. M. Fellow of
 this College, a new Convert, and a Man whol-
 ly devoted to the Court, directed to the Vice-
 President and Fellows, requiring them forth-
 with to elect this *Farmer*, and admit him Presi-
 dent. This Mandate the Vice-President read
 with decent Respect in the College-Chappel,
 before the Fellows there present, and asked
 them whether in obedience to the King's Let-
 ters, they would forthwith elect Mr. *Farmer*
 President? They all agreed to defer their An-
 swer till * Wednesday following, when all the * April 13.
 Fellows met, and the Vice-President read the
 Statute concerning the Choice of a President,
 and another against corrupt and irregular E-
 lections; then he read the King's Letter in the
 behalf of *Farmer*, and a second time demanded
 their Answer, which was, That *having a Peti-*
tion at that time lying before his Majesty, they
ought not to proceed till they had received his Ma-
jefty's Answer to the same. And thereupon they
 all agreed that the Election should be deferr'd
 till the next Day, except *Charnock*. On Thurs-
 day † in the Morning, the Vice-President told
 them, that the Choice of a President had been
 put off on the account of their Petition to the
 King; in answer to which they had not yet re-
 ceived his Royal Pleasure; that the next Day
 was the utmost Time they could prorogue the
 Election to by the Statutes, and therefore they
 ought to come to some Resolution: He told
 them also, that the King had commanded them
 to elect Mr. *Farmer*, and asked their Sense there-
 in,

|| April 15.

in, which was unanimous (except *Charnock*) that the Election should be deferr'd till the next Morning. Accordingly at eight a Clock on *Friday* Morning, the Vice-President and Fellows being met, two of them acquainted the rest from the President of the Council, that in answer to their Petition, *his Majesty having sent his Letter to the College, expected to be obey'd.* Then the Vice-President read again the King's Mandate, and ask'd them, whether they would comply with it? They desir'd to proceed to an Election; and the Vice-President proposing, whether they would farther address the King, 4 of them were for a 2d Address; but all the rest happily forthwith declar'd for proceeding to an Election. Then the Vice-President propos'd whether they would elect *viva voce*, or by Scrutiny? Three of 'em were for proceeding in it *viva voce*, but the rest were for a Scrutiny, besides Dr. *Thos. Smith*, who was for deferring the Election, till they had once more address'd the King. Therefore it being the Sense of the Majority, that they ought to proceed to this Election according to the Statutes, the holy Sacrament (in order to it) was solemnly taken by all, except *Charnock*; and then the Statutes relating to this Choice were read, and every one took the usual Oath, except Mr. *Thompson* and *Charnock*, who refus'd it; and the two Senior Fellows were sworn Scrutators for the Scrutiny of the whole Society. For the Nomination of a President, *Dr. *Hough* and Mr. *Maynard* had each of them the Majority of Voices; and the 13 Senior Fellows meeting to elect one of these two, Dr. *Hough* was by them chosen President, and by the Senior Scrutator pronounced as such; and *Maynard* was appointed by the 13 Seniors to present him as President to the Visitor for his Ad-

* Now Bishop
of Litchfield,
&c.

Admission; Charnock and Thompson declaring *viva voce* for Farmer, according to his Majesty's Letter. The next Day Dr. Hough being presented to the Visitor, was by him sworn and admitted President, according to the Statutes, who qualify'd himself accordingly. The King being inform'd of it, order'd the Lord Sunderland to write to the Fellows, which he did in the following Terms: *Gentlemen, the King being inform'd, that notwithstanding his late Mandate sent to you for electing Mr. Farmer to be President of your College, you have made choice of another Person; His Majesty commands me to let you know, he is much surpriz'd at these Proceedings, and expects that you shou'd send me an account of what pass'd on that Occasion, and whether you did receive his Majesty's said Mandate before you chose Dr. Hough.* Thereupon the Vice-President and Fellows drew up their Case relating to their late Election of a President, which was presented || to the Duke of Ormond, Chancellor of this University, with a Letter, wherein they begg'd his Grace to interpose with the King for them, that they might not lie under his Displeasure, for not being in a Capacity of obeying his Commands. This Submission not being satisfactory, and the Duke of Ormond's Interposition little regarded, the Vice-President and Fellows were cited to * appear before the Ecclesiastical Commissioners at Whitehall, † when the Vice-President and other deputed Fellows appear'd before the Commissioners according to the said Citation: And it being demanded of them, *Why they refus'd to obey the King's Mandate?* they pray'd Time to consider of it, which was granted to the 13th, when their Answer was given in and read, wherein they alledg'd, "That St. Mary Magdalene College in Oxon. is a Body corporate,

|| April 21.

* May 28.

† June 6.

' rate governed by Local Statutes, granted and
 ' confirmed to them by his Majesty's Predecessors: That by the said Statutes of the Col-
 ' lege, to the Observation of which each Fel-
 ' low is sworn, it is ordered, that the Person
 ' elected President thereof shall be a Man of
 ' good Life and Reputation, of approved Un-
 ' derstanding and good Temper, discreet, pro-
 ' vident, and circumspect, both in spiritual
 ' and temporal Affairs: That at the Time of
 ' Election of a President, the said Fellows are
 ' bound by the said Statutes to take an Oath,
 ' that they shall nominate none to that Office,
 ' but such as are or have been Fellows of the
 ' said College, or of *New College* in *Oxon.* or if
 ' they are not actually Fellows at the Time of
 ' Election, that they be such as have left their
 ' Fellowships in their respective Colleges, upon
 ' creditable Accounts: And when two qualify'd
 ' Persons shall be nominated at the Time of E-
 ' lection, by the greater Number of all the
 ' Fellows, to the said Office of President; the
 ' thirteen Seniors also swear, That they will
 ' elect one of them, whom in their Consciences
 ' they think most proper and sufficient, most
 ' discreet, most useful, and best qualified for
 ' the Place, without any Regard to Love, Ha-
 ' tred, Favour, or Fear. That every Fellow,
 ' when he is admitted into his Fellowship in
 ' the said College, swears that he will invio-
 ' lably keep and observe all the Statutes and
 ' Ordinances of the College; and that he will
 ' not procure any Dispensation, contrary to his
 ' aforesaid Oath, or any Part thereof, nor con-
 ' trary to the Statutes and Ordinances to which
 ' it relates; and if it shall happen that any Dis-
 ' pensation of this sort, of whatsoever Autho-
 ' rity it shall be, be granted, that he will nei-
 ' ther

the Statute of it, nor in any sort consent thereto. That on the 11th of April they received his Majesty's Letters Mandatory to elect and admit Mr. *Anthony Farmer* President of the said College; but forasmuch as the Vice-President and Fellows apprehended the Right of Election to be in them, and believ'd his Majesty never intended to dispossess them of their Rights; and forasmuch as the said Mr. *Farmer* had never been Fellow either of *St. John's* or *New College* in *Oxon.* and had no such Qualifications, which by the said Statute of the College are requir'd in the Character of a President; and in regard that they could not comply with his Majesty's Letter, without the Violation of their Oaths, and Hazard of their Legal Interest and Property, wherewith they were by their Statutes possess'd, and which by their Oaths they are bound to maintain; they represented the same by their humble Petition to his Majesty; and that having deferr'd their Election to the last Day limited by their Statutes, then they had made Choice of the Reverend Mr. *John Hough*, B. D. one of the Fellows of their College, and a Person every way qualified to be President, who had been since confirm'd by the Bishop of *Winton*, their Visitor, as the Statutes of the said College direct: And that they might not lie under his Majesty's Displeasure by their Proceedings, they did make an humble Representation thereof to his Majesty, by his Grace the Duke of *Ormond*, Chancellor of the University of *Oxon.* setting forth their indispensable Obligations to observe their Founder's Statutes. All which Matters they humbly offer'd to their Lordships, and pray'd to be dismiss'd with their Lordships Favour.

* Now Dean
of Norwich.

This Answer was sign'd but by Five of the Delegates, * Dr. Fairfax not consenting to it; and therefore he desir'd their Lordships to hear him apart, and take his Reasons why he could not subscribe. After the reading of the Answer, the Lord Chancellor Jeffries being in hopes he would submit, gave him Leave to speak, saying, *As this looks like a Man of Sense, and a good Subject, let's hear what he will say.* But finding his Mistake, and that Dr. Fairfax chiefly insisted, 'That in Ecclesiastical Courts there should be a Libel given to the Party oppos'd, that he may know what he is accus'd of; that he desir'd that Libel, and did not know what he was call'd there for; and that the Matter did not lie in that Court, but in Westminster-Hall: The Chancellor order'd to baffle his Plea, by telling him, *that he was a Doctor of Divinity, but not of Law.* To which the Doctor reply'd, *That he desir'd to know by what Commission and Authority they set Dr. Jeffries into such excessive Passion, as made him cry out, Pray what Commission have you to be a Judge in Court? This Man ought to be kept in a dark Room; why do you suffer him to be a Guardian? Why did you not bring him to the Bar? Pray let the Officers seize him.* After the Delegates were order'd to withdraw, and after a whole Hour's Debate, the Vice-President was call'd in alone, and order'd to attend the Court with the rest of the deputed Fellows, on Wednesday the 22^d of the same Month. On the appointed Day the Delegates appear'd again according to the Commissioners Order, and were in their Allegations against Mr. Fairfax, the most material of which were, *That he had misbehav'd himself in Trinity College Cambridge; and had there receiv'd a Commission* from

from the Master, in order to his Expulsion :
 That having left *Cambridge*, he taught School
 at *Chippenhams* in *Wiltshire*, under a Noncon-
 formist Minister without License : That in
 September, 1683. he was admitted of *St. Ma-*
ry Magdalen Hall in *Oxon*, where such fre-
 quent Complaints were brought against him
 to the Principal, for his troublesome Humour
 and unquiet Temper, that to preserve the
 Peace of the Society, he was desir'd to leave
 the said Hall : That after his leaving *Magda-*
len Hall, he was admitted into *Magdalen Col-*
lege, where discoursing about Religion, he
 declar'd, That there was no Protestant but would
 cut the King's Throat ; tho' at other times he
 said, That whatsoever he pretended, he was really
 a Member of the Church of England ; and that
 he made an Interest with some Roman Catho-
 licks only to get Preferment by their means, and
 for that Reason was willing to be thought of their
 Religion : And that in general the said Mr.
Farmer had the Unhappiness to lie under an
 ill Fame, as to his Life and Conversation.
 These Allegations were confirm'd by several
 Letters and Certificates produc'd in Court,
 which Mr. *Farmer* vainly endeavour'd to con-
 fute. But nevertheless the Ecclesiastical Com-
 missioners * deprived Dr. *Hobbs* of his Presi-

21 August

+ 1713 +

* June 22.

dentship, and suspended Dr. *Aldworth* and Dr.
Fairfax, and order'd the Fellows of the College
 to cause their Sentence to be executed, and af-
 fixed to the Gates of their College ; which they
 neglecting to do, they were cited to appear be-
 fore the Commissioners at *Whitchall* upon the
 29th of June, to answer the said Contempt.

The Court by this time finding that *Farmer*,
 was a Man of so profligate a Life, that tho' he
 had promis'd to advance the Interest of the Pa-

† August 14:

pists, and even to declare himself one of them, upon his Promotion to that Place, yet they began to be ashamed of him; therefore instead of insisting on the former Mandate in his Favour, the King granted another †, in behalf of Dr. *Parker*, then Bishop of *Oxford*, and one of the Court Creatures. The Place of President being already in a legal manner filled up by Dr. *Haugh*, (which tho' it had not been, yet the Bishop of *Oxford* was likewise incapable, by the Statutes of the College, of being chosen) the Fellows did not think themselves oblig'd to proceed to a second Election. The King was so incens'd at this fresh Contempt of his Orders, that he came to *Oxford* in Person *, and having commanded the Fellows of *Magdalen College* to attend him at *Christ Church*, he ask'd Dr. *Pudsey*, the Senior of the Fellows that appear'd before him, *Whether they did receive his Letter?* When the Doctor answering, *They did*; the King in an angry Tone reply'd, *Then you have done very unavishly by me and undutifully.* — Here they all kneel'd, and Dr. *Pudsey* offer'd a Petition, wherein they humbly shew'd, 'It was an unexpressible Affliction to them, to find themselves reduc'd to such an Extremity, that either they must disobey his Majesty's Command, contrary to their Inclinations, and that constant Course of Loyalty, which they had shew'd upon all Occasions, or else break their Founder's Statutes, and deliberately perjure themselves. Then they mention'd the Statutes, and the Oaths, that every one of them had taken at their Admission to their Fellowships, and concluded with an humble Prayer to his Majesty, 'To give them leave to lay their Case and themselves at his Majesty's Feet, earnestly beseeching him to extend to them that

* Sept. 4.

‘ that Grace and Tenderness which he vouch-
 ‘ safed to all his other Subjects. But their sub-
 missive Posture did not appease the King, who
 refusing to receive their Petition, vented his
 Resentment in these passionate Words : *You have*
been a stubborn, turbulent College ; I have known
you to be so these Six and Twenty Years : You have
affronted me in this—Is this your Church of Eng-
land Loyalty ? One would wonder to find so many
Church of England-Men in such a Business. Go
home and shew your selves good Members of the
Church of England—Get you gone—Know I am
your King—I will be obey’d ; and I command you
to be gone. Go, and admit the Bishop of Oxon.
Head, Principal, what d’ye call it ? of your Col-
lege ; (one that stood by said, President) I
mean President of the College. Let them that re-
fuse it look to it ; they shall feel the Weight of their
Sovereign’s Displeasure. The Fellows offering
again their Petition on their Knees, the King
told them : Get you gone, I will receive nothing
from you, till you have obey’d me ; and admitted the
Bishop of Oxon. Thereupon they went imme-
diately to their Chappel, and Dr. Pudsey pro-
posing, Whether they would obey the King ? They
answer’d, they were as ready to obey his Ma-
jesty in all things that lay in their Power, as
any of the rest of his Subjects ; but the electing
the Bishop of Oxon, being directly contrary to
their Statutes, and the positive Oaths they had
taken, they could not apprehend it in their
Power to obey him in this Matter.

Whereupon they drew up an Address, ex-
 pressing in most submissive Terms the said Re-
 solutions, which they gave to the Lord Sunder- Sept. 6.
 land, President of the Council, and which was
 afterwards deliver’d to his Majesty at Bath.
 Where-ever his Majesty came, he work’d a mi-
 raculous

William
Penn's Letter
to Dr. Bailly,
a Fellow of
Magdalen-
College.

raculous Conversion (as his Flatterers exprest it) except in *Oxford*; and therefore this being the only Opposition he received in his Progress, it could not but provoke a Monarch who expected to be obey'd in every thing. Yet before he made *Magdalen-College* feel the Weight of his Displeasure, *William Penn*, the Head of the *Quakers*, or as some then thought, an ambitious crafty *Jesuit*, who under a phanatical Out-side promoted King *James's* Designs, was industriously employ'd, 'Not to trapan them, (as he pretended in his Letter to Dr. *Bailly*, one of the Fellows) 'but out of a passionate Concern for 'their Interest, to perswade 'em either to a 'Compliance with his Majesty's Letter, or to 'think among themselves of some Expedient, 'to prevent the Ruin of their College and themselves; and to offer it to his Majesty's Consideration, that the Order for the *Quo Warranto* against the Colleges might be recall'd before it was too late; for they could not but be sensible how highly his Majesty was incens'd against them. Every Mechanick (adds *Penn*) 'knows the Temper of his present Majesty, 'who never will receive a Baffle in any thing 'that he heartily espouses; and that he does 'this, your selves have had too late and manifest an Instance, to doubt of his Zeal in the 'Affair. Where there are so many Statutes to be observed, 'tis impossible but some must be broken at one Time or other; and I am informed by the Learned in the Law, that a Failure in any one Point forfeits your Grant, 'and lays your College open to the Royal Displeasure. It could (says he in the Conclusion) give many other prudent Arguments that might possibly incline you to put an End to your Troubles almost at any rate, but I shall only

only suggest this one thing to you ; That your
 fatal Overthrow would be a fair Beginning of
 the so much aim'd at Reformation, first of the
 University, then of the Church, and admi-
 nister such an Opportunity to the Enemy as
 may not perhaps occur in his Majesty's Reign.
 To this Letter the College return'd an Answer,
 wherein amongst other things they declare ;
 They are not conscious of ever having given
 his Majesty any just Offence, and therefore
 have no Reason to fear the issuing out of a
Quo Warranto against them ; and as for the
 rest, they believe no Instance can be given of
 a *Quo Warranto* brought against a College or
 Hall in the Universities, or any other Eccle-
 siastical Corporation, for the Abuses of some
 of the Constitutions and Franchises in them :
 That the Misdemeanors of particular Persons
 will not destroy a College ; and that if the
 Corporation of a College should be dissolved,
 the Revenues thereof will return to the
 Founder's Heirs, and not devolve to the
 Crown. That if their College must be the
 first Example of that kind, they shall be bet-
 ter justified by the Observation of their Sta-
 tutes, at least to God and their own Conscien-
 ces, than they could have been by a volunta-
 ry and deliberate Breach of them. They con-
 clude with mentioning their Loyalty to the
 Crown, particularly in *Mormouth's* Rebellion,
 when they rais'd a Company at their own
 Charges, and under the Command of their
 Fellows engag'd against him. Several other
 Persons us'd their Endeavours to bring the Fel-
 lows to a Compliance, which proving still inef-
 fectual, they were cited before the Bishop of
 Oxf. 19. 1627.
Oxford, Sir Robert Wright, Chief Justice of the
 King's Bench, and Sir Thomas Jenner, one of the
 Barons

O³. 21.*The Bishop of
Chester's
Speech.*

Barons of the Exchequer ; these three being added to the other Ecclesiastical Commissioners, and particularly empower'd to visit *Magdalen-College* only. On *Friday* Morning, the President, Dr. *Hough*, and the Fellows appearing, the Bishop of *Chester* made a Speech, and began with severe Reflections upon ' Disloyalty and ' Disobedience, particularly on their undutiful ' Behaviour to his Majesty when at *Oxon*, in denying Compliance with his just and reasonable ' Request. He urged, ' That the Church of ' *England* taught an *unconditional* and *unlimited* ' Obedience, then enlarg'd upon his Majesty's ' gracious Temper, that would have no Man ' oppressed in Things against his Conscience, ' but would suffer all Men to worship God in ' their own Way. In the mean time (continued he) ' we cannot but suppose that his Majesty will make Use of all prudent and lawful ' Methods to encourage those of his own Religion, without injuring the Church of *England*, which is, at present, the Religion by ' Law establish'd ; for his Majesty will maintain that Altar at which he himself does not ' worship ; but at present we are in more Danger of *Prophaneness* than *Papery*. He told them, ' That their Corporation, as others, was a ' Creature of the Crown ; and that it was Insolence in their local Statutes to spurn against ' their Maker ; That their Distempers had ' brought this Visitation upon them, the Consequences of which might be ill to the Church ' and Universities : He exhorted them by the ' Bowels of Christ to consider these Things : He told them, ' That the Eyes of the World ' were upon them, and they ought to take care, ' that their Practices might not influence their ' deluded Admirers. In short, the whole Design

sign of this Speech seem'd by Promises and Threats to aim at the inducing them to comply. In the Afternoon the Commissioners being sat, the Bishop of *Chester* ask'd Dr. *Hough* whether they would submit to his Visitation? To which the Doctor answer'd in the Name of himself, and the greater part of the Fellows, that they submitted to it, as far as it was consistent with the Laws of the Land and the Statutes of the College, and no further; and desir'd their Lordships that this Declaration might be recorded. The next Question the Bishop put to him was, Whether they observ'd all those Statutes? And the President answering, He hop'd they did: *You have a Statute there for Mass*, replied he, *why don't you read Mass?* This Question from a Bishop was a little surprizing, but the President soon satisfied it, by telling him, *That the Matter of that Oath was unlawful, and in such a Case no Man was obliged to observe an Oath; and besides, that that Statute was taken away by the Laws of the Land.* After several other frivolous Expostulations, the Bishop of *Chester* demanded, *First*, All their Registers: *Secondly*, The Revenues of their College, with an Account of their Benefactors; to what Use the Money was assign'd, how employ'd, and how far converted to other Uses, or in plain *English*, how far 'twas design'd for Hospitality: And, *Thirdly*, A Copy of all the Leases they had let for two Years last past. On *Saturday* Morning Dr. *Hough* was several Times required to deliver up the Keys, and quiet Possession of the Lodgings, to the Person whom his Majesty had appointed President; which the Doctor refusing to obey, alledging the Legality of his Election, the King's Proctor stood up and accus'd him of Contumacy; and then the Bishop of *Chester* admonish'd him

Oct. 22.
Dr. Hough
deprived.

him three times to depart peaceably out of the Lodgings, and to act no longer as President, or pretended President of his College. The same Day, in the Afternoon, the Bishop of Chester ask'd the Fellows, *Whether they would admit the Bishop of Oxon. President, since Doctor Hough's Place was declared void?* To which the greater Part answer'd, *They could not do it without premeditated Perjury, and therefore would not do it.* During this Examination Dr. Hough came into Court, without any Attendance, and having waited till it was ended, and the Commissioners at a Pause, he desir'd Leave to speak a few Words; which being granted, he said, *That they having been pleas'd to deprive him of his Place of President of that College, he did protest against all their Proceedings, in Prejudice of him and his Right, as illegal, unjust and null; and therefore he appeal'd to his Sovereign Lord the King, in his Courts of Justice.* Upon which the Strangers and young Scholars in the Room gave a *Hum*, which so incens'd their Lordships, that notwithstanding all the Protestations the President and Fellows could make, the President in particular offering to purge himself by Oath that he was no ways accessary to it, yet the Lord Chief Justice was not to be pacified, but charging it upon Dr. Hough, bound him in a Bond of 1000 l. and Security to the like Value, to make his Appearance at the *King's Bench Bar* the Term following. Moreover the Lord Chief Justice said they had met with nothing but Affronts from the College: That as for himself he valued not what People said of him, but was resolv'd to vindicate the Honour of his Master to the last Drop of his Blood; and if the *Civil Power* could not keep them in Order, the *Military* should. The ingenious (as he was nick-nam'd by way of

His Protestation.

Irony)

Irony), Baron Jenner likewise shew'd his Resentment upon this Occasion, by putting on the late President's Name, and saying to him, *Sir, You must not think to buff* (Hough) *us*. About which time several Officers then in Town came into the Room. On *Tuesday* the Court being met, Dr. *Stafford*, one of the Fellows, offer'd a Paper in answer to what was objected the *Friday* Oct. 25. before, that the King's Mandate in favour of Mr. *Boyer* implied an Inhibition; which their Lordships having perus'd, would not suffer to be read publicly, but ask'd the Fellows whether they would sign it? bidding them do it at their Peril. The Fellows being withdrawn, and not thinking it was necessary to sign a Plea which the Commissioners refus'd to have argued, they return'd the Paper into the Court, subscribed only by Dr. *Fairfax* and Dr. *Stafford*. Their Lordships taking no further Notice of that Paper, the Bishop of *Chester* ask'd the Fellows whether they would instal the Bishop of *Oxon.* President, or assist at the installing of him? To this they answer'd as before, that as they could not do it without deliberate Perjury, so it was not in their Power to do it. Thereupon Mr. *Wiggin*, Chaplain to the Bishop of *Oxford*, empower'd as a Proxy to be install'd President for his Lord, (then confin'd to his Chamber by some Indisposition) was put into the President's Stall by the Bishop of *Chester*, none of the Fellows being present but Mr. *Chaenock*, and took the Oaths which the Statutes enjoin the President at his Admission, and the Oath of Allegiance and Supremacy. Then their Lordships conducted him to the President's Lodgings; where knocking three Times, and the Door not being open'd, a Smith was sent for to force it open; and Mr. *Wiggin* took Possession of the Lodgings.

† Dr. Thomas Smith
and Mr. Charnock.

ings. Immediately after, the Bishop of *Chester* ask'd the Fellows whether they would obey the Bishop of *Oxon.* as now install'd President, by virtue of the King's Mandate? Dr. *Fairfax* answer'd, He neither could nor would obey him, having already a lawful and statutable President; others † comply'd with his Majesty's Pleasure, and others again desir'd Time to consider on so weighty a Question; which was granted; the Bishop of *Chester* bidding them go and consult about it among themselves. In the Afternoon this Answer was given in by the Society, (except Dr. *Fairfax*): *That whereas his Majesty had been pleas'd by his Royal Authority, to cause the Bishop of Oxon. to be install'd President, they did submit as far as was lawful and agreeable to the Statutes of the College, and no way prejudicial to the Right and Title of Dr. Hough.* This Answer was accepted, except the last Clause, which the Lord Chief Justice, and Baron *Jenner* declar'd, as Judges, to be insignificant, since nothing they could do could any way invalidate Dr. *Hough's* Title, but left them still at Liberty to be Witnesses for him, or to be any other way serviceable to him in the Recovery of his Right; and upon this Assurance the Society was prevail'd with to leave out the last Clause. Dr. *Fairfax* persisting in his former Answer, receiv'd Sentence of Expulsion, against which he protested as null, unjust and unlawful. This Protestation was over-ruled by the Commissioners, and a Copy of the Sentence denied, tho' most earnestly desir'd at the Instance of Doctor *Hedges* and Mr. Vice-Chancellor, two Days after. Their Lordships thinking they had gain'd their Point, declar'd, that they were well satisfied with the Answer the Society had given them; and tho' before they had laid a Li-
bel

bel to their Charge, yet that Night they declared, they had met with nothing but Civility; and that they should receive the same from them; that they had shewn themselves Men of excellent Tempers, and that they would represent it faithfully Above to their Advantage, and immediately dispatch'd an Express to Court with an Account of their Proceedings. On *Wednesday* Morning, the Fellows having been order'd the Day before to bring in their Answer to the following Questions. 1. *What Gifts and Provisions they had for the Entertainment of Strangers?* 2. *What was the Value of them?* 3. *How they were applied?* 4. *And where was the Place of Entertainment?* They made it appear very satisfactorily, that one Year with another they gave almost 100 l. in Charity-Money, over and above what by their Statutes they are oblig'd to give. Upon which their Lordships expatiated upon their generous Bounty and Liberality, saying, the Complaint on this Account was groundless, and that it would induce his Majesty to entertain better Thoughts of them in all other Matters. On *Thursday* the Fellows having presented to the Commissioners a List of Leases which had been renewed for two Years last past, Mr. *Charnock*, the new Convert, ask'd their Lordships, whether these Leases stood good which had been sealed since Dr. *Hough's* Election? the Lord Chief Justice answer'd, *Yes; for Corporations always speak by their Seals.* Then their Lordships perused the College Registers, and finding nothing in them to object against, they were return'd, and the Court adjourn'd. On *Friday* Morning the Commissioners acquainted the Fellows, they had represented them fairly to the King, but that his Majesty expected some farther Submission, which they advis'd

Submission impos'd by the Court upon the Fellows.

them to make, ' By acknowledging their Contempt to his sacred Majesty in Person, and to his Letters: That they should promise to behave themselves loyally for the future: That they should own the Proceedings and Legality of the Court, implore his Majesty's Pardon, and lay themselves at his Feet; and that they should declare their entire Submission to the Bishop of Oxon. as their President. The Fellows answer'd in Writing, ' That they had endeavour'd in all their Actions, to express their Duty to his Majesty; and being conscious to themselves, that in the whole Conduct of the Business before their Lordships, they had done nothing but what their Oaths and Statutes had indispensably oblig'd them to, they could not make any Declaration, whereby they acknowledged that they had done any thing amiss, having acted according to the Principles of Loyalty and Obedience, so far as they could without doing Violence to their Consciences, or Prejudice to their Rights, (one of which they conceived the electing of a President to be) from which they were sworn upon no Account to depart. Upon the Perusal of this Answer, their Lordships express their Dislike of it, saying, it did not come up to the Address sent to his Majesty at Bath, nor to the Paper they deliver'd in on Tuesday: Whereupon a fresh Question being put to the Fellows, whether they would obey the Bishop of Oxford as their President; all, except one or two, answered, they could not do it. Then Mr. Fulham, being particularly interrogated, he alledged, ' That the Bishop of Oxford had not Possession in due form of Law, nor by proper Officers; and that he was inform'd, that the proper Officers to give Possession of a Freehold

The Fellows Reasons why they refuse to sign it.

hold was the Sheriff with a *Passel Comitatus*. To this the Lord Chief Justice replied in a Passion; 'Pray who's the best Lawyer, you or I?' 'Your *Oxford Law* is no better than your *Oxford Divinity*: If you have a Mind to a *Passel Comitatus*, you may have one soon enough.' Mr. *Bulbin* endeavoured to make an Excuse for what he had said; which their Lordships rejected; and having thought fit to suspend him from the Profits of his Fellowship, for his Contempt and opprobrious Language; they adjourn'd till the 16th of November, and immediately went for London. The King having seen an Account of the Proceedings of the Visitors, his Majesty order'd them, that at their Return to the College, they should summon all the Fellows to appear before them, and endeavour to make them sensible of their Offences; and if they should refuse to subscribe the above-mentioned Submission, immediately to expel them for their Obstinacy. Pursuant to these Instructions, the Lords Commissioners return'd to Oxford; and being sat, the first thing they did was to send Nov. 16^a for the Buttery-Book, then they called for Mr. *Joyner* and Mr. *Allibone*, two Roman Catholicks, whom they enter'd actual Fellows, all Oaths being dispens'd with, besides that of the College. That done, the Bishop of Chester made a Speech *Bishop of Chester's Speech* to the Fellows, wherein he told them, 'That their many Contempts, and wilful Disobedience had occasioned this Visitation, which would end at last in their Ruin: That their Society had been long exercised in the Methods of Quarrelling; had always been troubled with factious Spirits, and testy Members, ever since the Restoration of the late King: That they had encouraged Quarrels among themselves; Quarrels between them-

selves and President ; Quarrels, at length be-
 tween themselves and Visitor. That by these
 Steps, from Quarrelling with the President and
 Visitor, they had at last advanc'd to the high-
 est Pitch of Insolence, to Quarrel with their
 Prince, and affront his sacred Majesty. Then
 he endeavoured to make them sensible of their
 irregular Conduct, and heinous Offences, from
 their first disobeying the King's Mandate to that
 Day. He told them, ' They urg'd the Obser-
 vances of their Statutes, of which they had
 not been so constant Observers when their
 own Humour prompted them to a Dispen-
 sation ; witness (said he) that of being served
per Masculos, by which great Scandals have
 come to this Society by Reason of Bastards.
 His Majesty (added he) was extremely ama-
 zed that his Clemency should be despis'd ;
 but yet, to your Comfort be it spoken, his
 Patience and Goodness extend as far as your
 Provocations can : But if you still persist in
 your Obstinacy, those that are too tall to
 stand, and too stubborn to bend, deserve to
 be broken. And now I think I have said
 enough to let you know, that the Fig-leaves
 you have so artificially sticht together are not
 sufficient to cover your Nakedness. I wish
 to God you had the same Tenderness for your
 own Concern as his Majesty's Commissioners
 have for you. But if you still persist to op-
 pose the Royal Power of the King, we who
 are come to vindicate the Right and Honour
 of his Majesty, resolve to discharge our Con-
 sciences, and Duties to God and the King,
 without any Respect of Popularity, that's but
 the Paradise of Fools, and Scorn of wise Men ;
 and therefore, as for us, we have no more
 Regard to People's Dislike than what they
 dream.

dream. By reason therefore of your late Hypocritical Submission, the Commissioners have thought fit to draw up an Instrument, to which if you shall immediately subscribe before you leave the Room, we shall leave you to his Majesty's Pardon: And this we expect from you all, except Dr. Thomas Smith and Mr. Charnock, with whose Behaviour the King is so well satisfied, that he expects no more from them. The above-mention'd Submission being read to the Fellows, all, except Dr. Thomas Smith and Mr. Charnock refus'd to sign it; Mr. Thompson being call'd in his Turn, alledg'd he had always been obedient to the King's Commands; that he was not concern'd in the Election of Dr. Hough; that he voted for Mr. Farmer, and was ready to submit to the Bishop of Oxon. and so he was excused. After a short time, all who refus'd to sign the Submission, being 25 in Number, were called in, and by Sentence of their Lordships depriv'd and expell'd from their Fellowships, for their Disobedience to his Majesty's Commands, and obstinately contemning his Royal Authority; against which they all protested, declaring they would use all just and legal Ways of being relieved. This Sentence was confirm'd by a Decree made at Whitehall by the Ecclesiastical Commissioners, declaring, That Dr. Hough (who had been deprived before), and the said 25 Fellows, should be incapable of Receiving, or being admitted into, any Ecclesiastical Dignity, Benefice or Promotion; and such of them who were not yet in holy Orders, they adjudged incapable of receiving or being admitted into the same. Thus by a Sentence of an illegal Court, were a Society of Learned and Worthy Protestants turn'd out of their Freeholds, to make Room for a Popish

Dr. Hough
and 25 Fel-
lows expell'd.

Seminary; and thus was King James prevail'd with by his Evil Ministers to assume a Power, not only to dispence with *Laws* but with *Oaths* also. After the Expulsion of the Fellows, most of the *Demies* were likewise turn'd out of *Magdalen-College*, by the Bishop of *Oxford* and Mr. *Charnock* his Vice-President, and *Roman-Catholics* put in their Places. To acknowledge the King's Favours, the Bishop of *Oxford* publish'd a Book containing Reasons for abrogating the *Test and Penal Laws*, and his Majesty commanded the Stationers not to Print any Answer to the same.

The numerous Addresses which were daily presented to the King by the Dissenters, upon account of the late *Declaration for Liberty of Conscience*, could not but mortify the sound Party of the Church of *England*, who justly look'd upon that Declaration as a Jesuitical Invention to advance *Papists* to Places of Trust, and by degrees to introduce them into the Legislature. But to aggravate their Affliction, the Court Creatures gave 'em to understand that they ought themselves to imitate the Non-Conformists, and fill up the Chorus of the grateful Acknowledgers of the King's Indulgence; urging as an indisputable Motive, that his Majesty had been graciously pleas'd to declare, That he would protect and maintain his Archbishops, Bishops, Clergy, and all other his Subjects of the Church of *England*, in the free Exercise of their Religion, and in the quiet and full Enjoyment of all their Possessions, without any Molestation or Disturbance whatsoever. The Bishops of *Durham*, *Gloster*, *Lincoln*, *Coventry* and *Litchfield*, and *St. David's* prevailed, the first with the City of *Durham*, and the rest with the Clergy under their Pa-
storal

floral Care, to sign Addresses of Thanks, which they presented to his Majesty; the Dean and Chapter of *Ripon*, and some few Corporations, did the like; but yet these Protestant Addresses were so dry and jejune, that they seem'd rather like the forc'd Thanks, which a corrected Child given to a severe Parent, whilst he still holds the Rod in his Hand; or the awkward Compliments we pay to such as have injur'd us, when 'tis in their Power to do us further Mischief, than offer the hearty and unforc'd Acknowledgements which flow from the Sense of a Favours received. The Bishop of *Oxford* was not so successful as the rest of the Court Prelates; for notwithstanding the extraordinary Zeal he shew'd upon this Occasion, his Clergy still refus'd to sign an Address which might prove of so dangerous Consequence: Yet to let the World know that they were not either out of a sullen Caprice, or Disaffection, that they denied to pay that Homage to his Majesty, they gave their Reasons in Writing to their Bishop. The Fellows of this College were on the 23th of October, 1688. resolved to their Fellowships by the Kings Betrayal the Bishop of *Windsor*, when the King sat himself falling from the Throne, for his Tyranny and unjust Usurpations on our Religion, Liberties and Properties, according to the common Fate of wicked Princes, who would enslave their People to gratify their own Ambitions. The Founder yet buried in *Winchester Cathedral*.

BRAZEN-NOSE COLLEGE.

William Smyth, the first and especial Founder of this College, was born at *Farnworth* in the Parish of *Prescote* in *Lancashire*, and was the Son of *Rob. Smyth* of *Rolehouse* at *Widdow* in the same Parish; who, after he had given him an Education in the Rudiments of Learning, sent him to *Oxford* to perfect his Studies there; and placed him either in *Lincoln* or *Oriel* College; for both these Societies claim the Honour of him. Some say, that he was first of *Lincoln*, and then of *Oriel*; which may not be improbable, if we would argue from his Benefaction given to this last College, and from some old *Barbar's* Accounts of *Lincoln* College, wherein *William Smyth* is found a Commoner in the Year 1498. But the Plague raging much in *Oxford*, he with many other Scholars went to *Cambridge*, and was there first made Head of *Pembroke-Hall*, and then Master of the same. Not long after this he became Arch-Deacon of *Sarum*, and passing thro' many Functions in the Church, he was in the Year 1492. created Bishop of *Litchfield* and *Coventry*; and at *Litchfield* he founded an Hospital for a Master, two Presbyter Chaplains, and ten poor Men; besides which, he founded here a publick Grammar-School, on which King *Henry the 7th* settled the Revenues of the Hospital of *Denhall* at *Wyrehall* in *Cheshire*, together with the Profits of the Improprate Church of *Burton* for ever. After he had been three whole Years in this See, he was translated from hence to the Diocess of *Lincoln*, and being in the King's good Graces,

Graces, was made one of Prince of *Arthur's* Council, and President of *Wales*, and about the same time he was chosen Chancellor of this University; which Office he resign'd two Years afterwards; and finding himself grow heavy with Age, he began to consider how he should dispose of his Wealth; and to this end consulted his Kinsman *Rich. Sutton*, of the Parish of *Prestbury* in *Cheeshire*, Esq; And it was agreed between them to lay their Stocks together, and erect some publick Building at *Oxford*; which might be an Ornament to their Mother the University; and likewise a Perpetuation of their own Names to succeeding Ages. Whereupon they then obtain'd of the Master and Fellows of *University College*, two Halls antiently dedicated to Learning, and situate on the West side of *School Street*; called *Bracen-nose* and *Little University-Hall*; which were demis'd on a covenanted yearly Rent of *5*l**. to be paid to the said College: And likewise upon *Sutton* and others, to whom these Houses were then let, stipulated to pay for the Master and said Fellows the usual Sum of twelve Shillings, paid to the Church-wardens of *St. Mary's Church*; on account of these Tenements; and oblig'd also to see, that one Year after the Date of this Demise, forty Pounds should be expended on the Repair of the old; and erecting new Buildings.

After this, certain Halls, called *St. Mary* and *Salisbury Hall*, were demis'd to the said *Smyth* and *Smyth* on the 1st of *February*, 1560; by the Scholars of *Oriel College*; together with small Garden plots lying between *Bracen-nose Hall* on the North, and *Edmund Hall* on the South: And by this Grant the Fellows thought to make some Compensation for *Smyth's* Benefactions to them; the Priory of *St. Frideswide* at

A. D. 1511.

at his Instance remitting the yearly Rent of 13 Shillings and 4 Pence unto them for Land lying opposite to the College. On the Purchase of these Tenements, and the refitting and enlarging of *Brazen-nose Hall*, King Henry the 8th, on the 15th of January, in the 3d Year of his Reign, issued out Letters Patents at the Request of the Founders, whereby he empower'd them and their Executors or Assigns, to erect and establish a College at *Oxford* in the Place of *Brazen-nose Hall*, for a Principal and sixty Scholars, to receive an Education in *Philosophy* and *Divinity* here; and by this Charter they were styl'd by the Name of the Principal and Scholars of *Kings Hall* and *Brazen-nose College* in *Oxford*, with an Authority for the Founders to purchase and convey Lands, Tenements, &c. of the yearly Value of 300 Pounds, exclusive of all Taxes and Repairsals.

5 H. 8.

This next Year after this Grant was made, the said *Smyth* purchas'd the whole Estate belonging to the Priory of *Coldmorton* in *Oxfordshire*, with all its Appurtenances, of *The Bishop*, Dean of *St. Stephen's Chappel*, *Westminster*; which Priory escheated to the Death of a Prior and Convent, and was thereupon bought of his Majesty by the Dean and Canons of *Westminster*. Nor was *Sutton's* Munificence much inferior to *Smyth's*; who, after the Building of the College was finish'd, which this Bishop's Death retarded for some time, on the 13th of February sent the Principal and Fellows a Body of Statutes under his own Seal, before made and agreed on by *Smyth* and himself. From which Statutes it appears, that the Co-Founders settled herein a Principal and 12 Fellows for the Study of *Divinity* and *Philosophy*, all to be Natives within the Diocess of *Lichfield* and *Canowry*; with

— 1521.

with the former Precept, that if there were any born in *Lancashire* or *Chester*, (then within the aforesaid Diocess) especially in the Parishes of *Peters* and *Presbury*, they should have the Preference in respect of all others, if they were found qualify'd in Morals and Learning: and if none appear'd fit in the aforesaid Diocess, then the Election was to be out of the Diocess of *London*; and if proper Persons were wanting in either of these Diocesses, they might chuse a fit Person at large from any College or Hall in the University of *Oxford*.

So whereas the Number of twelve Fellows was insufficient, by at length adding three Priests unto for the yearly Celebration of solemn Mass, and a Dirge for the Rest of his Soul, after his Decease; and on this account every Year allowed unto each of them the Sum of five Shillings. And moreover allocated the Sum of *four* Shillings and *four* Pence, for the Augmentation of the Students Commons; and besides this, the Priests then present at these Solemnities the Sum of *five* Pence each: But these Payments were after adjudg'd to be paid, as they are at present, to his three Fellows, at the Time of the Reformation of Religion, on the account of their superstitious Ends.

And now I come to treat of such Persons, who have been any ways Benefactors to this Society since the Founder's Days: And the first we meet with was *John Williamson*, Minister of *St. George's Church* at *Canterbury*, who at the Time of his Death gave 200 Pounds for the buying of Lands, to support or maintain two Fellows or Scholars on the Profits thereof, born in the City or Palatinate of *Chester*, who were to be either of his own Blood or Name, or of the Blood and Name of *John Port*, Sergeant at Law.

John

A. D. 1528.

John Elton, alias *Baker*, Canon of the Church of *Sarum*, also gave unto this Society certain Lands in *Oxfordshire* and *Glocestershire*, as a Subsistence for one Fellow to be chosen out of the Diocess of *Herefordshire* or *Worcestershire*, of his Consanguinity; and in defect of such therein, out of the Diocess of *Sarum*; and if no fit Person be found therein, then any Scholar or Student in *Oxford* may be elected.

William Porter, Clerk, at the time of his Decease left it in charge to the Executors of his Will, to purchase some other Lands for the better Maintenance of one other Fellow born in the Diocess of *Hereford*, and in defect of such fit Person, to be chosen out of the Places lying between *Oxford* and the said Precinct. And for the Performance of this Trust, a Deed was made between *Porter's* Executors on the one part, the Principal and Scholars of this College on the second part, and the Warden and Scholars of *New College* on the third part; whereby it is covenanted among the aforesaid Parties, that on the 4th of *November* the Principal and Scholars aforesaid shou'd celebrate a yearly *Obit*, and that the Warden of *New College* should be hereunto invited by them, and after the Solemnities of the Mass he should offer one Penny, on which account he was afterwards to receive twenty Pence; and lastly, that the said Principal and Scholars should every 5th Day of this Month have the Sum of 13 Shillings and 4 Pence divided among the Members then present.

Edward Darby, Arch-Deacon of *Stam* in *Lincolnshire*, gave 120 Pounds for the Purchase of an Annuity of six Pounds per Annum, for the Maintenance and Education of one Fellow, to be chosen out of the said Arch-Deaconry, and

in defect of a Person duly qualify'd therein, then to be elected out of *Leicestershire*; and for want of such in this County, then out of *Northamptonshire*; and if none appear qualify'd herein, then he decreed the Election out of *Oxfordshire*; and on the 29th of *March* he confirm'd this Gift to the College. A. D. 1538.

William Clifton, Sub-Dean of the Church of *York*, on the 3d of *October* the same Year gave certain Lands in *Yorkshire* and *Glocestershire*, for the Support of one Graduate Fellow in Priests Orders, to be alternately chosen out of *Yorkshire* and *Lincolnshire*; and for want of a fit Person herein, then out of *Nottinghamshire*.

And *Brian Higden*, Dean of this Church, dying June the 5th, gave a certain Sum of Money 31 B. 8. for the buying of an Estate, in order to the Maintenance of one Fellow to be alternately chosen out of *Yorkshire* and *Lincolnshire*, as appears by a Deed tripartite of the 3d of *September* in the Year 1549. ratifying this Gift to the Society.

Jocosa Frankland Widow, and Daughter of *Robert Trapps*, Goldsmith and Citizen of *London*, by her last Will gave several Lands and Tenements, for the Increase of the Principal's Commons, and the Fellows Stipends, and for the Maintenance of one Fellow, who completed the Number Twenty, and might be elected out of any *English* County, a Regard being had to her Kindred and Consanguinity herein. She so far excelled all other Benefactors to this College, that she is daily remember'd in their Grace after Meals, and was bury'd in *St. Leonard's* Church in *Forster-lane*, *London*, under a beautiful Monument erected at the College Expence. — 1586.

Hitherto of Benefactors to Fellowships; I come next to such as have endow'd the Scholars with Pensions, Exhibitions, &c. And first *John Claymond*, President of *Corpus Christi College*, gave 486 l. for the purchasing of Lands for the Education of six Scholars, to receive four Marks each of them out of the yearly Revenues thereof; which Scholars he appointed to be chosen out of certain Villages in certain Counties, as first out of *Frampton* near *Boston* in *Lincolnshire*, the Place of his Birth, or at least out of that County; 2dly, out of *Muxton* or *Stewton*, near the River *Tys* in *Durham*, the Place where his Vicarage lay, or at least out of the said County; 3dly, out of *Overtan*, *Havant*, or *Mottisfont* in *Hampshire*, where he was successively Rector of these Parishes, or at least out of that County; 4thly, out of *Bengars* near *Wells* in *Somersetshire*, where he enjoy'd a Prebend, or *Mangton* near *Taunton*, where he was formerly the Rector of the Place, or at least out of the same County; 5thly, out of *Bishops-Clyve* in *Glocestershire*, where he was possessed of the Rectory to the Time of his Death, or at least out of the said County; 6thly, out of the City of *Oxford*, or at least the County of this Name, &c. This Benefaction he gave the 6th of June, and the Scholars maintained thereon are called *Claymond's Scholars*.

A. D. 1586.

Humphrey Ogle of *Salford* in *Oxfordshire* gave 100 l. for the buying of Lands in some Place, for the Maintenance of two Scholars out of the Yearly Rents thereof, to be elected out of *Prescote* in *Lancashire*. And *John Lord Mordant* gave Money for the purchasing Lands for the Support of three Scholars, each of them receiving from hence four Pounds per Annum; which Scholars he would have to be in the Nomination of his Heirs, and to be stiled *Lord Mordant's Scholars*.

Alex-

Alexander Nowell, Dean of *St. Paul's, London*, assign'd Stipends for six Years to 13 poor Scholars, viz. to each of them a Pension of 2*l.* 6*s.* 8*d.* per Ann. commanding them to be chosen of the Free School at *Middleton* in *Lancashire*, founded by him, and in defect of fit Persons there, then out of the Schools of *Whalley* and *Burnley* in this County; and for want of such in these Schools, then out of any other Schools in this County. These Scholars were to be thirteen Years of Age at their Entrance into the College. *Nowell* died the 13th of February, and has a solemn Commemoration observ'd for him by the Society on the said Day.

John Frankland above-mention'd moreover gave Stipends or Exhibitions to four Scholars, assigning them an Allocation of fifteen Pence per Week, with an Addition of five Pence in the *Christmas*, *Easter*, and *Whitsun* Week, for Increase of Commons; when Stipends are found given to a Bible-Clerk and a Logick-Reader, viz. to the last four Marks, and to the first three Marks per Annum. And *George Palin*, a Citizen of *London*, gave Exhibitions to four Scholars, viz. four Pounds per Annum to each of them, and would have them chosen out of his own Country, *Cheshire*. A. D. 1609.

James Ricks, alias *Stoddard*, of *London*, gave an Annuity of Ten Pounds, payable out of an old Hospital in *London*, situated in the *Jewry*, for the Maintenance of two Scholars, the one here, and the other of *Queens College* in *Cambridge*, to be equally divided between them. — 1607.

Sam. Radcliffe, S. T. P. devised Lands at *Harpenden* in the County of *Bedford*, to the yearly Value of Forty Pounds, for the Maintenance of six Scholars, and to the Use of the Principal, Fellows, &c. of *Brazen-nose College*. And *John Mil-* — 1648.

Milward, of *Haverford-West* in *Pembrokeshire*, gave an Estate of 8 l. 13 s. and 4 d. per Annum, for the Maintenance of one Scholar at this College, being Student himself.

John Cartwright, of *Aynoe* in *Northamptonshire*, gave an Annuity of Ten Pounds, payable out of an Estate in the Parish of *Bloxham* in *Oxfordshire*, to the Use of this Society, for the Subsistence of two Scholars born in *Sheshire*, *Northamptonshire*, and *Oxfordshire*; and especially to be chosen from the publick Grammar-School found by him at *Aynoe* aforesaid; or from the Parishes of *Budworth* or *Wrenbury* in *Cheshire*: He had the Power of naming these during his Life, and then it was to devolve to his Heirs. And thus far of such as have augmented the Number of Scholars, or given any yearly Exhibitions hereunto.

It is true there were other Benefactors, whose Munificence has been imploy'd to other Uses: Such as Sir *John Port*, of *Etwell* in *Derbyshire*, Knt. who bequeathed 200 Pound to this House, for the founding of two publick Lectures, to be read in the Common Hall by two Learned Gownsmen, the one in Philosophy and the other in Humanity, assigning four Pounds a Year to each. And *Rych. Harper* of *Swarkston* in *Derbyshire*, one of the Justices of the Common Pleas, founded a Lecture in the Greek Language, and endow'd the same with an annual Stipend of four Pounds issuable out of certain Lands in the said County. And *John Barneston*, S.T.P. sometime Fellow of this College, and then Prebendary of *Sarem*, instituted a Lecture in the Hebrew Tongue, and settled thereon a yearly Stipend of six Pounds, payable out of certain Possessions of his at *London*, in a Street called the Strand.

This

This College is situated partly in St. *Mary's*, partly in *All-Hallows*, and partly in St. *Michael's* Parish, and the greatest Part thereof in St. *Mary's* Parish, was built in the Founder's Life-time, in the room of *Brazen-nose* and the *Lesser University Hall*. The Common Hall stands on the Side of the Quadrangle, erected by the Founders themselves; but the Chappel and Cloysters were begun in the Year 1656, and finish'd anno 1667; for till then Divine Service was perform'd in an Oratory over the Battry, on the South side of the Court, which was the Year ensuing turn'd into Chambers, and the modern Chappel stands in the Place of the *Lesser Edmund Hall*.

COLLEGIUS-CHRISTI-COLLEGE.

RICHARD Fox, the Son of *Thomas Fox* and *Henrietta* his Wife, was born at a House commonly known by the Name of *Pullock's Mannor*, in a little Village called *Ropesty*, within four Miles of *Grantham* in *Lincolnshire*; wherein, and in the Neighbourhood of this Village, dwell many Persons of the same Name and Blood with our Founder *Richard Fox*, whose Relations he placed on the Foundation of this College, recommending his Nephew *Thomas*, and also one *John Fox* (afterwards Arch-Deacon of *London* and *Surrey*) to the Care of the first President of this Society: And this happy Place of our Founder's Birth was antiently remarkable for a Supply of Senior Fellows to the College. To this little Mansion there belong'd an Estate of 26 l. per An. tho' whether of the Fox's Patrimony, I know not; which afterwards

wards came into the Hands of *Rich. Kelham*, Father of *Ralph Kelham*, Father of *Edm. Kelham*, who liv'd in *K. James* the 1st's Reign; and from him it pass'd to one *Rich. Hickson*, who building a new House thereon, sold the old one, with that wherein our Founder was born, to one *The. Raskell*. 'Tis reported, that towards the latter End of *Queen Elizabeth*'s Reign there surviv'd an old Woman, who was wont to relate many Things of our Founder among the good Women of that Age, which happen'd within the Compass of her Memory, &c.

Fax was sent to *Boston School* to receive his Grammar Learning therein; tho' some say he was of *Wickham's School* near *Winchester*, and was from thence remov'd to *Magd. College* in *Oxford*, at a fit Age for furnishing himself with Academical Studies; where he so far advanc'd in Knowledge, that he was esteem'd the best Scholar in this Society: But the Plague then raging at *Oxford*, he was forced to quit the same, and go to *Cambridge*, where he became (as they say) Master of *Pemroke-Hall*; yet he staid not there long, resolving with himself to make no longer Abode in the University, than was sufficient for a good Education, deeming a long Continuance therein either to argue a want of Learning or of Patrons; and therefore he resolv'd to travel and see foreign Universities, and especially to avoid the Tyranny of *K. Richard* the 3^d, which afforded but small Comfort to good letters. On his going to *Paris*, he apply'd himself to the Study of the Canon Law, that he might the better finish his Lucubrations in Divinity; for in this Age the Knowledge of the Canon Law was thought absolutely necessary to render a Man an accomplish'd Divine. In his Travels

from

from *Paris* to other Parts of the Country, he happen'd to meet with Bishop *Morton*, formerly a Student in this University, but then an Exile on the score of K. *Richard's* Cruelty; who dissuaded *Fox* from going any further, this sagacious Prelate perceiving in him the Appearance of a skilful Statesman, besides his other Erudition: And hereupon this Bishop, as a faithful Friend to the Interest of the Earl of *Richmond*, prevailed on him to return into *England*, recommending him to the said Earl then residing at *Paris*, on the account of his great Prudence. Nor did our Founder fail or deceive the Earl in his Expectations of him, behaving himself like a good and even Patriot, who was wholly intent on the Welfare and Tranquillity of his Country; and when the Earl was employ'd in *Bretagne* in equipping a Fleet, and in other Matters necessary for his Expedition into *England*, then imploring the Aid of the *French* King, he committed the whole Care and Management of this Affair to *Rich. Fox*, then Doctor of the Canon Law or of the Decrees, who prosecuted the same with that Industry, that returning home in a short time, he found all things ready according to his Mind. Therefore when the Earl got the Victory in *Bosworth* Field, and the Kingdom as a Consequence of that Victory, he shew'd himself not unmindful of his most faithful Servant *Rich. Fox*, whom he not only caused to be sworn of his Privy Council, making him Keeper of the Privy Seal, but also sent him in an Embassy with Sir *Richard Edgcomb*, Knt. to *James* the 3d, King of *Scotland*, to make a Truce with that King: Which Office he administred with that Prudence, that a firm Peace was establish'd between the two Kingdoms by a League of seven Years; and on his Return to Court, the

A. D. 1486.

Bishoprick of *Exeter* being then void, he was by the King promoted to that See, wherein he behaved himself with that Circumspection and Gravity, whether you consider his publick Office or private Life, that on the Death of *Rob. Stillington*, Bishop of *Bath and Wells*, he was by the King's Favour, and the Bull of Pope *Innocent* the 8th, translated to that See the same Year.

1494.

During all this Time no one was dearer to the King, or more powerful with him in Council, especially in that Controversy which arose touching the Right and Prerogative, that *Henry* the 7th laid to the Kingdom of *Scotland*: But these things by the by. After he had sat in the See of *Bath and Wells* for three Years, he was by the farther Grace of the King translated to that of *Durham*; and as he was removed from one Bishoprick to another, so he left these Sees more increased and adorned with Buildings, by adding somewhat thereunto as a Monument of himself. In the publick Hall or Dining Room of *Durham* Castle he alter'd many things for the better, by pulling down the Throne, which stood at the lower End, and building a Musick Gallery in the Place thereof. Moreover he erected an Exchequer or Chamber of Accounts, and also a large Kitchen with other Offices belonging to it; in a word, all the new Building on the West of the said Hall and Kitchen, was set up by him; who began a Hall and Kitchen in the upper Tower of this Castle, but left the same unfinish'd on his Translation from hence to the See of *Winton*, being summon'd occasionally to *London* on the score of a Law-suit commenced between him and the Earl of *Cumberland*, touching the Mannor of *Hertlepole*. How he manag'd himself in this Diocese towards

towards the Laity and Clergy in point of Jurisdiction, we know not, all the Registers thereof being silent in this Matter, except in those things already remembred. It was by the Advice and Perswasion of this wise Prelate, that the Lady *Margaret*, eldest Daughter to the King of *England*, was join'd in Marriage to the King of *Scotland*; from whence *James* the 6th of *Scotland*, and the first of that Name, in a right Line here in *England*, was Royally descended; who on Queen *Elizabeth's* Death inherited and united both Nations by a happy and (I hope) perpetual Marriage or Union.

In the 17th Year of *Henry* the 7th's Reign, on the Death of *Tho. Langton*, Bishop of *Winton*, *Richard Fox* immediately succeeded to this See, advanced thereunto by the special Favour of this King, wherein he happily presided during Life, and became very eminent for his Buildings and other publick Acts of Charity: for besides this College (of which hereafter) he erected a new Oratory in *Winchester* Cathedral Church, where he now lies buried, and in which, during the Times of Popery, daily Masses were said for his Soul, &c.

He moreover founded a Free School near *Taunton* Castle, with a commodious House for its Master; as he also did another at *Grantham* aforesaid, which he design'd to have built in a Wood at *Ropesley* near the House of his Nativity; but thro' the Obscurity of the Place, and the unfit Situation of it for such a Purpose, changing his Mind, he erected the same at *Grantham*, a Town then, as well as now, much frequented on the account of Trade. Besides this, he shewed himself a Benefactor in the Relief of many poor Scholars, recommending them to the especial Care of *Claymund*, then President

of *Magdalen College*, whom thro' singular Affection he was often wont to salute by the kind Appellation of his *Dearest Brother*. Nor did he shew less Compassion on the calamitous Estate of *Glastenbury Abbey*, complaining of their Wants to him : for of his own Motion he lent, or rather gave 100 l. thereunto, which *Cloy-mund* paid on his account. In the 3d Year of *Henry the 7th*, being Bishop of *Exeter*, he largely contributed to the Repairs of *St. Mary's Church* at *Oxford*, then in a ruinous Condition, on the Request of the Chancellor and Students there, by way of Letters written to the Bishops, Nobility, and others, who had been Scholars of this renowned University ; and the writing to this Prelate in Terms of such Importunity, is a high Presumption of his studying here, notwithstanding the envious Pens of some Writers.

Altho' our Founder was blessed with Riches and Honours above measure, he might be thought unhappy in one Respect ; for that he lost the Service of his Eyes, and grew blind many Years before his Death ; whereupon he began to consider with himself, how he might oblige Posterity by some lasting and publick Monument of his Charity, and thereby preserve his Name from the Canker of old Age : And, after mature Deliberation, he resolv'd on the University of *Oxford* as a fit Place to lay out his Wealth in ; and to this end the Warden and Fellows of *Merton College* sold him several Tenements as a Scite for his intended Foundation. Hereupon certain Covenants were enacted between *Fox* on the one part, and the Priory of *St. Swithins, Winton*, on the other ; wherein it was agreed, that in lieu of certain valuable Presents made by the Bishop to the Convent, the said Priory should be obliged to purchase
for

for this Bishop's behoof certain Lands situate in Oxford, of the Property of *Merton College*, and also of the Nuns of *Gudstow*, and the Canons of *St. Frideswide*; on which Ground Fox is said in this Deed to have begun the Foundation of his College, for the Maintenance of a Warden, certain Monks, and some Secular Scholars, to whose Use he design'd to convey these Tenements, with the Property and Rents of others, to the yearly Value of 160 l. part of which Sum, viz. 26 l. per Ann. he had already bought in virtue of a Royal Licence or Charter granted him for this purpose. These Monks (in Number four) he would have called, *The Bishop's Scholars*, and each of them to be professed Fryars within the Monastery of *St. Swithin* aforesaid, requiring them to be educated in Arts and Sciences according to their respective Ages, beginning with Logick, then proceeding to Philosophy, and from thence passing to Divinity; and one of these was to preside over the others by Right of Election. And it was further agreed, that there should be four other Monks added, to be maintained by the said Convent, one of which was to be the Abbot himself, and the other three were to be Monks of the same House, and all of them to be chosen of the Monastery of *St. Swithin* aforesaid, and to be styled *Scholars* also. He moreover provided them with certain stipendiary Lecturers in Logick and Philosophy; and also with some publick Servants, as a Manciple, two Cooks, a Butler, Barber, Launderer, &c. besides one who was to wait on the Monks at Dinner, and another, who from his Office of reading a Portion of Scripture, at that time was called *Bible-Clark*, and a third for the Performance of this Office in the Chappel, &c.

Thus was this College at first intended only for the Education, and as a Seminary for the Monks of the Priory or Cathedral Church of *St. Swythun, Winton*, and was founded for the same End and Purpose as were those of *Canterbury* and *Durham* here in *Oxford*, viz. (as already noted) for the Education of the Novice Monks of *Canterbury* and *Durham*, founded long since : And for this Use, *Fox* obtain'd a License or Royal Charter, dated the 12th of *March*, in the 4th Year of *Hen. VIII's* Reign, for the assigning to the said Monks Lands, &c. of the yearly Rent of 100 l. *ultra Reprias*, for the Maintenance of the aforesaid Number of Monks out of the Profits thereof ; but before he had half finish'd this College, he alter'd his Mind by the special Perswasion of *Hugh Oldham* Bishop of *Exeter*, who promised to be a Benefactor thereunto, on condition he would convert this College to the Use of secular Students, after the manner of other Colleges in the University. *Fox*, prevailed on with these Overtures, caus'd the aforesaid Charter or License to be rescinded on its being brought into the Court of Chancery, and was perswaded to enlarge the Buildings of his College, which he had design'd for the said Monks, by adding Chambers over the late Cloysters.

To the Ground, on which *Corner-Hall* and *Nevills-Inn* stood, was added a Garden belonging to the Batchelor-Fellows of *Merton-College*, and taking up all that Space of Ground where the Masters and Batchelors of this College now have a Garden and Walks, for which a yearly Pension of 4 l. 6 s. 8 d. was paid out of the Profits of *Wuney-Church* in *Oxfordshire*, of which this Bishop was Patron, to *Merton-College*. Hereupon the Bishop purchas'd a Royal Charter

ter of License, dated the 26th of November, 1516. whereby he was permitted to found a College for the Study of Divinity, Philosophy, and the other Liberal Arts *in perpetuum*, and to place therein one President and thirty Fellows, Graduates, or Non-Graduates, with a Power also of buying Lands to the yearly Value of 350 *l.* for the Endowment of this College. On the 15th of Jan. the same Year he purchased another Tenement (called *Nun-Hall*) of the Nuns of *Godstow*, paying therefore a Quit-Rent of 4 *s.* per Ann. and on the 12th of Febr. ensuing he bought *Urban* and *Beake* Halls of the Canons of *St. Frideswide*, on the Payment of the Sum of 1 *l.* 6 *s.* 8 *d.* issuing out of the Profits of the Rectory of *Wroughton* in *Wiltshire*. After these Purchases made, he obtain'd a Charter of Foundation, dated at the Castle of *Wolvestley*, on the Calends of *March*, 1516. in this Form, *viz.* *Ad laudem & honorem Dei omnipotentis, sacratissimique Corporis Christi, Beate Virginis Mariæ, nec non Beatorum Apost. Petri, Pauli, & Andreæ, etiam S. Cuthberti, S. Swythini, S. Byrini, Ecclesiarum Exoniensis, Batho-Welensis, Dunelmensis & Wintoniensis Divorum tutelarium hoc Collegium, (quod in perpetuum; Collegii Corporis Christi Oxonii nomine appellandum statuit.)* This College was to consist of one President, thirty Scholars (as in the Charter) more or less, according to the Statutes hereafter to be made; and in this Charter Fox named *John Claymond* to be the first President, being an intimate Acquaintance for 30 Years with the Founder. See the Charter-Fellows hereafter.

The Year ensuing he assigned Statutes for the *A. D. 1517.* Government of this Society, which were first read and approv'd by him in the Chappel of *St. Cross's*

Cross's Hospital, near *Winchester*, in the Presence of the Clergy and Laity: And in these Statutes his Will was, that his Foundation, or this his College, should consist of one President, twenty Scholars, two Chaplains, as many Clerks, and the like Number of Choristers. The Fellows were distinguish'd according to the several Places of their Birth, after this Manner, viz. out of the Diocese of *Winton* five, viz. three out of *Hampshire*, and two out of *Surrey*; out of the Diocese of *Durham* one; out of the Diocese of *Bath* and *Wells* two; out of the Diocese of *Exeter* two; of the County of *Lincoln* two; of the County of *Glocester* two; of the County of *Wilts* one; of the County of *Kent* two; of the County of *Lancashire* (of which *Hugh Oldham* was) one; *Bedfordshire* one; and *Oxfordshire* or *Berkshire* one. He distinguished his Scholars after the like Manner by Diocesses and Counties, *Kent* only excepted, unto which he assign'd only one Scholarship, allotting the other to the County of *Lancaster*: But even these he chang'd a little before his Death.

Moreover he settled three Lectures to be perform'd weekly in the College-Hall by three of the Fellows; which Lectures were frequented formerly, not only by the Students of the University, but also by Strangers and Foreigners. The first of these was a *Humanity*-Lecture, the second a *Greek* Lecture, and the third a *Divinity*-Lecture. And thus was this College in brief so happily founded, so richly endowed, and so eminently furnished with the most learned Men, that it became the Envy of all the other Societies in the University for many Years; nor is it less conspicuous at present for Men of Knowledge, sober Behaviour, and strict Conformers to sound Discipline, under the wise Administration and Government of its most excellent

cellent President and Benefactor, Dr. *Turner*; who, by his sumptuous and stately Buildings both of his own Lodgings and the Fellows Chambers behind the Cloysters, has shewed a Spirit of Benevolence worthy of his Founder, and by his Patronage of Learning has made himself a Pattern for all Heads of Colleges to imitate and follow, if they want not a good Disposition.

This College indeed has had many Benefactors, among whom for Brevity-sake I remember these, viz. 1st, *Hugh Oldham*, Chaplain to *Margaret* Countess of *Richmond*, Canon of the Church of *Lincoln*; and lastly, after he had pass'd through various Dignities, Bishop of *Exeter*, who gave 6000 Marks towards the erecting of this College, besides certain Estates for the Endowment thereof, as appears from many Writings. It is true, he had once some Thoughts of enlarging *Exeter-College* with this Charity; but receiving a Repulse from thence on his Intercession or Recommendation of a Scholar to be chosen thereinto, he changed his Mind, and would have join'd himself as Co-Founder with Bishop *Smyth* in the Foundation of *Brazen-Nose College*; but was at last prevail'd on by Bishop *Fox* to lay out his Riches on the Foundation of this College upon the Conditions aforesaid.

The next Benefactor hereunto in point of Time was *William Frost*, of *Tavington* in *Hampshire*, a Bailiff or Steward under the Founder, who gave unto this College the Mannor of *Maple-Derwell* in the same County, for the Maintenance of one of his Family or Blood, to be successively admitted to a Scholarship therein; for which Benefaction the College celebrates a yearly Commemoration of him and his Wife *Julian*, at the Altar of the Holy Trinity, from thence call'd *Frost's-Altar*. *John*

A. D. 1521.

John Claymond aforeſaid, alſo gave hereunto certain Lands lying at *Eiſly, Cowley, Littlemore, Hedington, Merſton, and Sandford* in *Oxfordſhire*; beſides a large Sum of Money, with which his Succeſſor *Morwent* purchas'd *Rewley Meddows*, in the *West Suburbs of Oxford*; and on the Conveyance of them to the College he ſtipulated for the perpetual Payment of 1 *l.* 6 *s.* 8 *d.* to be diſtributed in Bread to the Poor.

Robert Morwent, the ſecond Preſident of this College, gave thereunto certain Lands at *Cowley* and *Horspath* in *Oxfordſhire*, and alſo the Rectory of *Heyford-Warren* in the ſaid County, together with certain Lands and the Rectory of *Knights-Dunſborn* in *Glouceſterſhire*.

Richard Pate Eſq; gave certain other Lands and Tenements to the Value of 53 *l.* 19 *s.* 7 *d.* per *Ann.* out of which he oblig'd the College yearly to pay 20 *l.* to a publick School, and the Poor of *Cheltenham* in *Glouceſterſhire*.

Richard Cobb, S. T. B. and ſometime Fellow of this College, gave thereunto the Sum of 20 *l.* per *ann.* to the Uſe of certain poor Scholars therein; beſides his Study of Books which he bequeath'd at his Death to the Library.

Robert Gale, a Vintner in *London*, was another Benefactor hereunto, by giving an Exhibition to ſix poor Sholars, viz. 3 *l.* 6 *s.* 8 *d.* yearly to each of them, iſſuing out of an Eſtate at *Cleypole* in *Lincolnſhire*, and *Brasington* in *Derbyſhire*, and to be for ever paid to the College by the Heirs or Aſſignees of *George Lacock*.

About the Year 1613. *George de St. Paul* Baronet, by his laſt Will and Teſtament deviſed hereunto all the Lands he was poſſeſs'd of at *Liſington* in *Lincolnſhire*; and his Wife *Frances*, afterwards Counteſs of *Warwick*, being a ſecond Time a Widow, encreas'd her former Husband's

band's Benefaction, by an Addition of certain Lands, and with all the Right she had to the Rectory of *Basingham* in the aforesaid County.

As to the Building of this College, it was finish'd in the Founder's Life-time; but the Quadrangle was not adorn'd with Battlements and Pinnacles, until the Reign of King *James I.* when *Edmund Reynolds*, sometime Fellow thereof, contributed 60 l. towards the Expence of this Work : But that part of the Buildings on the East-side, towards *Merton-College-Grove*, was rais'd in the Year 1667. to which Expence one *George Townsend*, of *Staple-Inn* in *London*, gave 100 l. and Dr. *Thomas Turner*, Dean of *Canterbury*, 40 l. The College is wholly situated in *St. John Baptist's Parish*.

The Common Hall is placed on the East-side of the Quadrangle, and being lately beautified, is one of the most elegant Rooms of that Nature in the whole University. Here is also a handfom Library on the South-side of the Court, adorn'd and furnish'd with Books by the Founder, *Hugh Oldham*, and *John Claymond*, unto which others have since very largely added, but none more than the present Head, who hath given his whole Study.

The Chappel was built by the Founder, and Divine Service began to be perform'd therein on the 20th of *January*, 1517. it being exempt from all Episcopal Jurisdiction, and by a Composition with *Merton-College* from all parochial Dues, for which the College was content to pay 6 s. 8 d. per Ann.

The local Visitor of this happy Society is the Bishop of *Winton* for the Time being ; yet if any Difference shall happen to arise between the President and Fellows thereof, it is provided by a Statute of the College, that the Warden of *New-College* shall adjust the same. CHRIST-

CHRIST-CHURCH-COLLEGE.

T *Thomas Woolsey*, titular Cardinal of *Santa Cecilia*, and Archbishop of *Tork*, being highly advanced in Honours, and stored with Riches beyond any Subject of his Time in Christendom, (among many other vast Designs conceiv'd in his Mind) apply'd his first Thoughts towards the Building and Founding of two Colleges, the one at *Ipswich*, the Place of his Nativity, and the other at *Oxford*, where he received the better Part of his Education in a Fellowship of *Magdalen-College*; intending by this publick Charity to give such ample Testimony of his Benevolence to Learning, as should transmit a perpetual Memory of his Name to all succeeding Ages. And for this Purpose he solicited two Bulls from Pope *Clement VII.* the one bearing Date the 3d of *April 1524.* and the other the 9th of *March 1525.* by the last of which, though not much different from the former (as they say) he was impower'd to suppress entirely many Religious Houses here in *England*, of lesser Note, and to apply their Revenues to the Endowment of his intended College; all which Houses are recited in the Bull last mentioned, and are as follow, viz. The Priory of Regular Canons of *St. Frideswide*, of the Order of *St. Austin* in the University of *Oxford*; this House being surrendred into the King's Hands *anno 1522.* was the same Year consign'd over to the Use of this College. The Nunnery of *Littlemore* in *Oxfordshire*, of the Order of *St. Bennet*. The Priory of *Tykesford* in *Buckinghamshire*, consisting of *Cluniack* Monks of *St. Bennet's* Order. The Priory of Regular

Canons

Canons of *Ravenston* in *Lincolnshire*, of the *Austin* Order. The Priory of *Dapentry* in *Northamptonshire*, consisting of *Cluniack Benedictine* Monks. The Priory of *Bradwell* in the Diocese of *Lincoln*, of the *Benedictine* Order. The Priory of *Carwell* in *Staffordshire*, consisting also of *Cluniack Benedictines*. The Priory of *Sandwell* in the same County, and of the same Order. The Priory of Regular Canons at *Tunbridge* in *Kent*, of the *Austin* Order. The Priory of Regular Canons at *Lyefnes* in the same County, and of the same Order. The Priory of Regular Canons at *Begham* in *Sussex*, of the Order of *Præmonstratenses*. The Priory of Regular Canons at *Arundel* in *Sussex*, of the *Austin* Order. The Priory of *Wylke* in *Essex*, of the same Order. The Priory of Regular Canons of *Typtree* in the same County. The Priory of Regular Canons of *St. Andrew* in the Diocese of *London*, of the *Austin* Order. The Priory of *Cluniack Benedictines* at *St. Andrewgate* in *Essex*. The Priory of *Cluniack Benedictines* at *Harply* in the Diocese of *London*. The Priory of Regular Canons at *Thornham* in the same Diocese, and of the *Austin* Order. The Priory of Regular Canons at *Pogbley* in *Bedfordshire*, of the same Order. The Priory of *Wellingford* in the same County, of the *Benedictine* Order. The Priory of Regular Canons at *Didweth* in the Diocese of *Norwich*, of the *Austin* Order. The Priory of *Snape* in the same Diocese, of the *Benedictine* Order; in all two and twenty Religious Houses; and this was the Sum of that Bull which the King confirm'd on the first of *October*, in the 15th Year of his Reign. Soon after we find other Houses suppressed, and their Estates either given to this College, or to the College at *Ipswich*, viz. The Priory of *Bromhill* in the Diocese of *Norwich*. The

The Priory of *Felixtow* in *Suffolk*. The Priory of *Pray* in the Diocess of *Lincoln*. The Priory of *St. Peters* in *Ipswich*. The Priory of *Romburgh* in the Diocess of *Norwich*. The Nunnery of *Hairwell* in *Staffordshire*; which after *Woolsey's* Fall was purchas'd with all its Possessions by the Bishop, Dean, and Chapter of *Lichfield* and *Conventry*, to the Use of that Church. There were many other Religious Houses dissolved by the Cardinal's Means, which were at last united into one, for the greater Benefit of Learning and Religion: Some Writers compute the Number of them to be forty and upwards.

17 Hen. 8.

On obtaining the first of these Bulls, and in Consequence thereof, the Priory of *St. Frideswide* being deliver'd into the Hands of the Cardinal, he, in Assurance of a Royal Confirmation, settled a Dean and Canons herein, with a Power given them of purchasing certain Ground-plots and Tenements, for the Scite of his College; and on the 13th of July, 1525, *Woolsey* received the Royal Charter of Foundation, authorizing him to build and endow a College: In which Charter we have many Things remarkable, viz. all the high Titles of this great Man, whereby the King acknowledg'd his Prudence, and extoll'd his other Virtues; Titles too numerous to be here recounted. He sustain'd indeed the Weight and Care of the learned World for many Years, and therefore it was allowed him to convert this Priory lately dissolv'd, for that End, to the Use and Purpose of a College from him to be called *Cardinal-College*; and to settle therein a Dean, secular Canons, and Gownsmen, for the Study of the liberal Arts and Sciences, Divinity, Civil and Canon Law, Physick, Humanity, &c. And for the Maintenance of these he was empower'd to purchase

3. H.

an Estate of 2000 l. per Annum, ultra Reprizas, and all other Burthens whatsoever, and convey the same to this Society for ever, which was dedicated to the Praise, Honour and Glory of the Holy Trinity, the Blessed Virgin Mary, St. Frideswide, and all the Saints. As to Woolsey's College at Ipswich, the King gave him Leave to found it in the Site of St. Peter's Priory, that is, within St. Matthew's Parish, in the Town aforesaid, for the Maintenance of one Dean, twelve Priests, eight Clerks, and as many Chorists, founding there a publick Grammar School for the Education of poor Children to be sent thence, and transferred to his College at Oxford: But as it had been the Part of St. Frideswide's Priory very often to change Masters and Inhabitants, under a Trust of many Fortunes for 800 Years together, it was now surrendered into the King's Hands, at the Cardinal's Instance, by the Prior and the whole Convent assenting hereunto: Whereupon K. Henry immediately gave the same as aforesaid to the Cardinal, for the Building of his intended College; who pulled down the West side of the Cloysters at the West end of the Church belonging to the Priory, viz. almost half the Nave of the Church, together with the Chambers contiguous to or over them: He also pulled down a certain Hostel called London-College, and dedicated to the Study of the Civil Law. On the 18th of April, in the 17th of Henry the VIII's Reign, the Master and Scholars of Baliol-College convey'd unto the Dean and Canons of this Society a Toft with a Curtilage, pulling down certain Tenements belonging to St. Frideswide's; and the first Foundation Stone of this new Work was laid on the 15th of July, 1525. in the Presence of a great

Number of Students of all Degrees and Conditions, besides a Multitude of Citizens and Strangers coming hither. Money was tendred and laid down on this Stone, according to Custom; and after a solemn Speech on this Occasion, the Students went to St. *Frideswide's* Church, and heard a *Latin* Sermon preach'd by *John Longland*, Bishop of *Lincoln*; on these Words, viz. *Wisdom has built her self an House*, Prov. 9. 1. After this Sermon was ended, many of the Students of better Quality were magnificently entertain'd with a Dinner; and the next Day the Workmen began to raise the Building, and the Kitchen was soon finish'd, which gave a Handle to *Ralph Walters* an *Oxford* Scholar, to make this Jest, viz. *Egregium opus! Cardinalis iste instituit Collegium, & absolvit popinam.*

On the Cardinal's being impeached of High Crimes and Misdemeanors, *Octob. 28. 1529.* all the Estate and Possessions of this Society, by way of Forfeiture devolv'd into the King's hands, who retain'd the same till the Year 1532. during which Time the King made Seizure of many Lands and Tenements, and then either gave them to this College, or to his rapacious Courtiers. But the Year just above mention'd, he being prevail'd on by certain Friends of the University, (especially such as were among the Cardinal's Scholars, who petition'd) Letters Patents were issued out the 18th of *July*, by Virtue of which he at length founded this College in the same Place, and within the former Precincts, giving it the Name of *Henry the VIII's College*, which was establish'd and dedicated to the Honour of the *Holy* and *Individual Trinity*, the Blessed Virgin *Mary*, and the holy Virgin *St. Frideswide*; and also endow'd by the King with an Estate of 200*l.* per *Ann.* for the Maintenance

of

of one Dean and twelve Secular Canons, who were to make a full Chapter, and an Ecclesiastical Corporation. But this Foundation did not continue long, lasting only from the Year 1532. to that of 1545. when the King again on the 10th of *May*, suppressed the same, by virtue of a Commission sign'd by Sir *Edward North* Knt. to *John Williams* and *Tho. Leigh* Knts. *Will. Fermour*, *John Pollard*, *John Carleton*, *Will. Cavendish*, *John D'Oily*, *Thomas Pigot*, and *James Dyer*, Gent. empowering them in the King's Name to take Possession of *St. Frideswide's College*, otherwise called *King Henry the VIII's College*, and also of the Cathedral Church of *Osney*, surrendered into the Royal Hands by the Dean and Canons, according to the Tenor of the said Commission; whereupon the Dean and Canons of this Society deliver'd up this College, with all its Lands, Rents, &c. in Obedience to his Majesty's Commands, by a Deed made for this End; *May* 20. 1545. and strengthen'd with their Common Seal, unto which Deed were put the Names of *John Oliver* Dean, *Rich. Crews*, *John Leland*, *Henry Williams*, *Owen Ogleshorpe*, and *John Robyns*; Canons, and it was deliver'd on the said Day by the Dean to Sir *John Leigh* Knt. and one of the Masters of the Court of Chancery, who accepted of the same to the King's Use. On the 18th of *July* following *King Henry* issued out Letters Patents for the Relief of the Necessities of the Dean and Canons, now reduced to the lowest Degree of Poverty; by affigging to them certain yearly Pensions, until such time as they were otherwise provided for: To *John Oliver* 70 l. to *John Cheek* 26 l. 13 s. 4 d. to *Peter Vannes* the same; to *Edw. Leighton* 20 l. to *Rich. Crook* 26 l. 13 s. 4 d. to *Owen Ogleshorpe* 20 l. to *Hen. Williams* the

same ; to *James Proctor* the same ; to *John Car-*
bon 40 Marks.

A. D. 1545.

| The next Year, on Nov. 4. the King. emit-
 ted other Letters Patents, whereby he transla-
 ted the Episcopal See from *Osney* to this Society,
 making the Church thereof a Cathedral, by the
 Name (according to its Charter of Foundation)
 of *Ecclesia Christi Cathedralis Oxon. ex fundatione*
Regis Henrici octavi, and by these Letters Pa-
 tents he appointed and settled therein a Bishop,
 Dean, and eight Canons, making *Rob. King* the
 first and last Bishop of *Osney*, the first Bishop of
 this Church ; and gave unto *Rich. Cox* the Dean,
 and *Will. Haines* S. T. B. *Will. Tresham* S. T. P.
Tho. Day L. L. B. *Alex. Belsire* A. M. *J. Dyar*
A. M. *J. Curthoppe* A. M. *Tho. Bernard* A. M.
 and *Rob. Banks*, Canons, and their Successors
 for ever, the whole Ground of the late College,
 together with all the Edifices, &c. within the
 aforesaid Scite ; and to these he added *Peck-*
water-Inn, with the Land on the West side of
Peckwater Quadrangle towards *Fish-street*; toge-
 ther with *Canterbury* College, and all its Build-
 ings, and a small Portion of Ground adjoining
 to this College, and belonging to *Oriel-College*,
 three Rods in Compass : Lastly, he gave here-
 unto besides two Mansion Houses, the one cal-
 led *St. Edward's-Hall* near the West side of *Peck-*
water Quadrangle, and the other being an Alms-
 House in *Aldate's* Parish. Note, *Peckwater-*
Inn was once known by the Name of *Vine-Hall*.

All these things *K. Henry VIII.* gave to his
 new-founded College, besides Lands and Tene-
 ments dispers'd up and down in *Oxford*, and par-
 ticularly half the Grove belonging to *Durham-*
College, which the Founder of *St. John Baptist's*
College afterwards purchased. Hereunto have
 been since added several Estates, consisting in
 Lands,

Lands, Tenements, Tithes, Pensions, &c. lying in divers Parts of England, and valued at about 2000 *l. per Ann.* which the King granted to the Dean and Canons, for the perpetual Maintenance of eight Petty Canons, each of them to receive 10 *l. per ann.* one *Evangelizator* with a yearly Pension of 8 *l.* one *Postillator* with a Stipend of 6 *l.* 13 *s.* 4 *d.* eight Clerks allow'd to each of them for their Stipend 6 *l.* 13 *s.* 4 *d.* to the Master of the Choristers 13 *l.* 6 *s.* 8 *d. per ann.* one Organist with an annual Stipend of 10 *l.* eight Choristers, allow'd each for his Stipend 6 *l.* 13 *s.* 4 *d.* The publick Professors in the University of Oxford, viz. in *Divinity, Greek, Hebrew*, to receive from hence each of them yearly the Stipend of 40 *l.* Sixty Students or Scholars do likewise receive from this Charity the Sum of eight Pounds for each of their Stipends. The Schoolmaster 20 *l.* The Usher 10 *l.* Forty younger Students *in ludo Literario* to be instructed in Grammar Learning, which is since alter'd; for that these last are now Students in the University (according to some Writers of the best Credit) Queen *Elizabeth A. D.* 1561. having consign'd over the Stipends of these Grammar-Scholars, about the Beginning of her Reign, for the Maintenance of 40 Students to be chosen out of that Seminary of Learning call'd *Westminster-School*, of her Father's Foundation. Moreover, the said Dean and Canons are enjoined to pay 6 *l. per Ann.* to each of the 24 Scholars of the King and his Successors Nomination. The whole Number of Students by *Q. Elizabeth's* Alteration to be just an Hundred. The yearly Election for these at *Westminster* is on the 26th of April.

John Chaloner S.T.P. formerly of this House, by his last Will and Testament of June 20. be-
- 1620.

queath'd an Annuity of 20 l. which he ordered to be paid either to some Lecturer in Divinity of the same Society, or to poor Scholars to be taken from *Amersden* in *Buckinghamshire*, *Goldesburgh* or *Knaresburgh* in *Yorkshire*, after the Decease of him and his Wife.

A. D. 1663.

John Bostocke of *New Windsor* in *Berkshire*, gave unto this College certain Tenements, situate therein in *Peascod-street*; the Rents of which Houses are every Year, on the 8th of *December*, to be divided between four poor Students by the Dean and Canons, with an especial Regard to be first had in this Dividend, to the Benefactor's Kindred, if there be any such in the College: And this Legacy was to come to the Society after the Death of *Edith*, Relict of *William Bostocke*.

Thomas White, Citizen of *London*, by his last Will and Testament devis'd an Annuity of 8 l. for the Maintenance of certain poor Scholars in the University, one Moiety of which Sum he gave to a Student of this House, and the other to a Student of *Trinity-College* in *Cambridge*, and for the Payment of this Annuity, he charged certain Houses in *Shoe-lane*, *London*.

Charles Branton, a Student of this College, conveyed over in Trust the perpetual Advowson of *Staunton super Vagam*, on Condition that they present unto the same, upon any Vacancy thereof, one of the one and twenty Senior Students to be nominated by the Suffrage of the rest of the Students.

1663.

William Thurston of *London*, by his last Will gave the Sum of 800 l. to *Kings-College*, at *Oxford*, for the Education of one Scholar therein; which Sum of Money was at length adjudg'd to this College, after a Contest at Law about this Matter with *Oriel-College*, (which likewise boast-

boasted to be a Royal Foundation) and *Brazen-Nose* College; whereupon another Scholar was added to the Number of an Hundred Students in this College.

Rich. Gardiner, S. T. P. and a Canon of this A. D. 1663. Collegiate House, gave certain Estates lying at *Boreton*, on the Water in *Gloucestershire*, of the yearly Value of 14 *l.* for the Maintenance of two Scholars or Servitors to be named by the Dean and Chapter unto this Charity.

Rich. Busby S. T. P. formerly a Student of this House, and afterwards chief Master of *Westminster-School*, and Prebendary of the Church of *Westminster*, founded two Lectures here, the one for the Oriental Languages, and the other for the Mathematicks, which he endow'd with honourable Stipends, and moreover gave 100 *l.* for the adorning the Common-Room or Conclave, where these Lectures were to be read, which Room was then given to the publick Use of the Masters of this College. This was the same *Busby*, who being in his Life time chosen Visitor of *Baliol* College, at the Time of his Death founded a *Catechetick* Lecture in *Baliol*-College, and endowed the same with a Stipend of 20 *l. per ann.* I take Notice of this (though improperly here) because it was omitted by me among the Benefactors to that College.

As to the Buildings of this College, it has been said, that the Cardinal left the same unfinished, and to be perfected by the Benevolence of the succeeding Age: He raised indeed the East and South side of the largest Quadrangle (except the Stair-case leading to the Common Hall) and the greatest Part of the Western side thereof: On the North-side he design'd to have built a large Chappel, but was not so happy as to see the same accomplish'd, living only to be-

hold the Foundation thereof laid. It was also his Purpose to have made a fine Cloyster round this large Quadrangle; but he falling into Disgrace, soon after he had projected this Scheme of Building, no Addition was made thereunto for almost an hundred Years. In the Year 1538. the Lodgings of two of the Canons, (call'd the first and eighth Prebend) on the North side of the Court, began to be enlarged, yet the same were not then finish'd by reason of the Civil Wars soon breaking out, but only the Shells or Out-walls thereof raised from the Ground. And tho' *Cromwell's* Party had made use of the Timber for Fuel, yet on the Restoration of King *Charles II.* this Quadrangle (call'd *Woodsey's* Quadrangle) met with many Benefactors, and was finish'd as you now see it in the Year 1665. After this, to represent this Court and the Buildings thereof more beautiful and magnificent, the same was sunk about four Feet in Depth of Earth, and the remaining Part thereof being wall'd up with Stone now makes a very spacious and pleasant Walk for the Scholars round about it. And in the Year 1669, in the middle of this Square was erected a very large Basin for the Fountain spouting Water through the Statue of *Mercury* thereinto.

The Buildings on the South-East of this large Court are called the *Chaplains Quadrangle*, which have been burnt twice, and as often rebuilt by the College; being the Buildings which *Henry VIII.* repair'd and gave to the College, with some Houses and Stables now belonging to the Dean and Canons. *Peckwater-Quadrangle* is another Pile of Building of this College, on the North-East side of the great Court, so call'd from an ancient Inn or Hostel situate South-West thereof. This Inn, in the 30th of King
Henry

Henry III. by the Gift of *Ralph* the Son of *Rich. Peckwether*, descended to the Priory of *St. Frideswide*; but this Court had heretofore another Name, which it receiv'd from *Vine-Hall*, which was adjacent hereunto, and in the midst of *Hen. VIII's* Reign, was added to the same by this King, the Founder of our College; which was increas'd with a new Addition of Buildings in the Deanships of *Dr. Dappa* and *Dr. Samuel Fell*, but notwithstanding, in the Deanship of *Dr. Henry Aldrich*, this whole Quadrangle, or at least three sides thereof were pulled down and rebuilt, in a very stately and elegant manner, at the Expence and Cost of sundry Benefactors, such as *Dr. Radcliffe*, *Sir Edward Hannes Knt.* and *Dr. of Physick*, the Honourable the Lord *Charles Somerset* Brother to the present Duke of *Beaufort*, and many others, too numerous here to relate.

The Church now belonging to this College is a Part of the Church heretofore belonging to the Priory of *St. Frideswide*, without the East side of the great Quadrangle, well enough situated in Consideration of the Plainness of the Edifice: But the publick Hall on the South side of this Quadrangle makes sufficient amends for the Rudeness of the other, it being one of the largest Rooms in *England*, with a magnificent Stair-case ascending to it, erected in the Year 1630.

This College being a Royal Foundation is only visited by the King or Queen on the Throne, in Person, or by their Commission under the Great Seal of *Great Britain*; King *Henry VIII.* on his new Institution thereof having left or appointed no special Visitor by any Statutes; and therefore the Crown as Heir is Visitor, which some have deemed a Happiness.

TRINITY-COLLEGE.

AMong many other Religious Houses dissolved by K. Henry VIII. *Durham-College* was one, being a Seminary in the University of *Oxford*, for the Education of the Monks of the Cathedral Church at *Durham*. This House after its Dissolution, was by Letters Patents bearing Date the 14th of *February*, in the 7th Year of *Edward VI*'s Reign, together with all its Appurtenances, contain'd within the Scite and Limits thereof, demised unto *George Owen* of *Godstow* in the County of *Oxford*, Esq; the King's Physician, and to *William Martyn* Gentleman; the King only reserving to himself, his Heirs and Successors, an Annuity of 1 l. 6 s. 2 d. for ever out of it; which Persons, by Deed of Indenture, or Instrument in Writing, dated the 20th of *February*, in the first and second Year of *Phil. & Mary*, convey'd and assign'd over unto Sir *Thomas Pope*, of *Tettenham* in *Hertfordshire* Knt. all the said College by the Name of a Messuage; who, as soon as he had possessed himself of it, and the aforesaid Annuity was remitted to him and his future College, resolv'd to convert the same to the Use of Learning, and to this End obtain'd a Royal Charter, dated the 8th of *March*, the same Year, authorising him to erect and found a College consisting of one President in Priest's Orders, twelve Fellows, (four of which to be in the same Orders) and eight Scholars; and was also empower'd to endow them and their Successors with any Lands or Possessions within the Villages of *Wroxton*, *Balscot*, *Holcomb*, &c. in the County of *Oxford*, and in other Places, which for Brevity-sake I omit;

mit; and according to the Form of this Charter or Royal License on the 18th of *March*, he *A. D. 1555* founded and established this College; and confirmed all this his said Messuage to the President and Fellows, whose Names are taken out of the Charter of Foundation, and placed elsewhere. The Founder reserved a Power unto himself and Heirs, of chusing this President, Fellows, and Scholars, until such Time as the Number appointed by the Royal Charter should be fill'd up: And moreover had Leave granted him of founding a publick School at *Hooknorton*, or elsewhere, to the Honour of *Jesus Christ*, and of assigning Stipends to the Master and Usher thereof; and 'tis thought he design'd this School as a Seminary for his College; which School he never liv'd to finish, and (some say) he never began it; yet there is a Record of the first of *April*, asserting, that he founded a School at *Dedington* in *Oxfordshire*, and called it *Jesus School*.

After this Institution of a President, Fellows and Scholars, he furnish'd his College with all Necessaries, by building, 1st, a Library, to which he gave 93 Vol. and among them some Manuscripts; then he adorn'd the Hall, Kitchen and Buttery with proper Implements and Furniture, erecting a Chappel over these in the Year 1557. and the same Year gave many Presents, besides the Legacies he bequeath'd by his last Will and Testament, at the Time of his Decease: All which things were faithfully consign'd over to the College by *Hugh Pawlet*, and his Wife the Lady *Elizabeth*, Executrix of the Founder's Will, who had scrap'd together all these Riches from the Spoils of *Wroxton* Convent, and other suppress'd Religious Houses.

After

After this, in Care of the Government of his College, he began to consider of proper Statutes for the Use thereof, which are dated at *Tattenbanger* the first of *May*, 1556. wherein 'tis affirmed, that he founded this Society for the Propagation of Christianity, and for the Subsistence of poor and indigent Scholars in the University; twenty in Number, to be yearly elected on any Vacancy; twelve of these he styles Fellows, to be educated in the Studies of *Philosophy* and *Divinity*, calling the other eight Scholars, whom he would have to be instructed in *Logick*, *Rhetorick*, &c. and all these to be chosen out of the Counties and Diocesses wherein the College has Ecclesiastical Livings, or Lay Estates, especially such as shall be born in the Mannors hereafter named, or whose Parents shall be Inhabitants thereof, viz. *Bradwell*, *Filkins*, *Broughton*, *Coggs*, *Wileot*, *Northley*, *Easton*, *Dunthorp*, *Seawell*, *Hooknorton*, *Swersford*, *Wigginton*, *Ardley*, *Tadmarton*, *Woollaston* and *March*, *Baldington* in *Oxfordshire*, *Little Compton*, and *Dumbleton* in *Gloucestershire*, *Shotteswell* and *Lightswell* in *Warwickshire*; *Arleston*, *Hilton*, *Eggington*, *Swindfen*, *Barrow*, *Steinson*, *Normanton* and *Ashe* in *Derbyshire*, *Knotting* in *Bedfordshire*, *Tattenbanger* and *Ridge* in *Hertfordshire*, and *Ditton* in *Kent*. In each of these Villages and Towns the Founder had then Estates; and if no one appear'd duly qualified in Respect of Learning and Morals from these Places, on the stated Day of Election, viz. on *Trinity-Monday*, then the President and Fellows might chuse from any other Parts Persons born within the Realm of *England*, or any of the circumjacent Islands, but they cannot chuse more than two out of any County

County besides *Oxfordshire*, from whence five might be elected.

On the 30th of *May* the same Year, the Founder confirm'd the Number of his Fellows and Scholars now compleat in Number, according to Form of Law; and on the 10th of *September* the following Year he convey'd unto them other Lands in *Oxfordshire*, as a Provision for them in Point of Fuel, Malt, Wheat, and for more solemn Feasting Days called *Gaudies, & gaudiis*; from which Estate he order'd a Maintenance for four other poor Scholars, who were to be on the same Bottom with the former eight Scholars, and enjoy the like Privileges in every Respect; and to these he allow'd Commons to the Value of 2 *l.* 12 *s.* per *Ann.* and 1 *l.* 13 *s.* for their yearly Stipend: And out of these Lands he assign'd 20 *s.* per *Ann.* to one of the Fellows or Scholars to play upon the Organs in the Chappel, and to a Barber 3 *s.* 4 *d.* as an additional Pay to his Wages of 10 *s.* per *Ann.* And thus much may suffice touching the Foundation of this Society, with this Addition only, that the Founder appointed two other poor Scholars, the one to perform the Office of a Porter, and the other that of a Butler, yearly assigning to them out of an Estate at *Dunthorp* and *Scawell* 52 *s.* for Commons, and 40 *s.* for their Stipends each; and by this Deed the President and Fellows were bound to pay 20 Marks to the School-Master, and 8 to the Usher of *Dedington-School*; but this Benefaction has been since dropt, and came to nothing.

Benefactors who have bestowed Exhibitions, &c. to this College, since its Foundation, are as follow, viz. *Rich. Blount* of *London* Esq; by Will bequeath'd 100 *l.* towards the Maintenance of one Scholar, according to the Laws and Institution

Institution of this Society ; with which Money was purchased the Rectory of *Ridge* in *Hertfordshire*, and confirmed to the College in the 22d Year of *Q. Elizabeth's* Reign.

Katharine Constable, the Widow of Sir *John Constable*, of *Kirkly-Knole* in *Yorkshire*, Knt. by her Will the 4th of *August*, devised an Exhibition of 10 *l. per Ann.* for the Education of one Scholar in this College, to be chosen from the publick School of *Hulsham* in this County ; and for the Payment hereof has charged the Tithes of the Parish or Village of *Buthersby* herein.

John Whetston of *Rodden* in *Dorsetshire*, Merchant, at the Request of *Ralph Ironside* Father of *Gilbert Ironside* Bishop of *Bristol*, gave 500 *l.* for the Maintenance of poor Scholars, which was got out of the Hands of the Executor about six Years after with great Difficulty, and then lodg'd in the Hands of Bishop *Andrews* ; with which Money the College bought an Estate at *Oakley* in *Buckinghamshire*, adding thereunto 5 *l.* only.

Edward Bathurst S. T. P. and Rector of *Cheping-Warden* in *Northampton*, a Person of exemplary Life and Learning, devised certain Lands in *Thorpe-Mandeville* in this County, to the yearly Value of 24 *l.* to this College, where he had his Education ; which by his Will he order'd to be laid out in charitable Uses therein mentioned after the Death of his Sister *Judith* ; erecting the Founder's Statue of Stone towards the Common Hall at his own Expence, anno 1665. And now whilst I am on the Benefaction of the *Bathursts*, it will not be unseasonable to remember that neat and elegant Pile of Building, viz. this College Chappel wainscotted with Cedar, and adorn'd with fine Paintings and other exquisite Workmanship by the best Hands ; which Chap-
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pel was almost erected at the proper Costs of *Ralph Bathurst*, M. D. and late President of this College, whereunto he contributed 1900 *l.* besides the Money expended on making the President's Lodgings more handsom and convenient. This Man, as he had a happy Genius dispos'd to all Parts of Learning, so was he reputed the politest Person of his Time in the whole University, who had the Satisfaction to live and see (as he was pleased to express himself) the greatest Man in the whole Commonwealth of Letters (meaning my Lord *Somers*) risen to the Height of Power, Honour, and Riches, from being a Commoner in *Trinity College*.

Nor whilst I remember this worthy President, ought I to forget a Benefaction of *Tho. Rowney* of *Oxford Esq*; giving the Sum of 1000 *l.* to *Trinity, Exeter, and Jesus-College* in *Oxon.* for the Purchasing of Advowsons; wherewith *Trinity-College* making up their Dividend or Share thereof with their own Money, purchas'd the Rectory of *Rotherfield-Grays* in *Oxfordshire*.

The Buildings of this College, which had now changed its Name from *Durham* to *Trinity-College*, were at the Time of the new Foundation in a very ruinous and desolate Condition, but being repair'd by Sir *Thomas Pope*, were inhabited by his Society without much Ornament about them; and so they continued till Dr. *Ralph Kettle* (who built *Kettle-Hall* for the Reception of Commoners to this College) about the Beginning of King *James I's* Reign, erected Garrets round the Court. In the Presidentship of Dr. *Bathurst* a fine Structure of Building was raised by the Contributions of Archbishop *Sheldon*, and other Bishops and Gentlemen once of this ^{20 Hen. 8.} House. The Common Hall was the same as the Monks of *Durham* enjoy'd, until 1618, when it was

was rebuilt in the same Place, on the West side of the Quadrangle, with Chambers over it.

The Library on the East side of the Quadrangle was repair'd by the Founder, and furnish'd by him with many Books as aforesaid: And *William Lord Craven*, Son of *Sir William Craven* of *London*, gave 100 l. hereunto for buying Books.

ST. JOHN BAPTIST'S COLLEGE.

A. D. 1555.

SIR *Thomas White*, Alderman of the City of *London*, and Founder of this College, had first Thoughts of building and endowing some House at *Reading* in *Berkshire*, for the Benefit and Improvement of Learning; but afterwards he rather chose to found the same at *Oxford*, to continue there as a lasting Monument of his Fame, and of the Publick's Advantage. And to this End, in the 2d Year of *Phil. & Mary*, on the first of *May*, he procur'd a Licence or Royal Charter, empowering him to found a College in Honour of Almighty God, the Blessed *Mary*, and *St. John the Baptist*, for the Study of *Arts* and *Divinity*, consisting of a President, and thirty Graduate or Non-Graduate Fellows or Scholars; which Number might be increas'd or diminish'd according to the Discretion of the said *Sir Thomas*, his Heirs and Successors, with a Power also of making Statutes and Ordinances for the Government of the College. For the Scituation he purchased a certain capital Messuage in *Magdalen* Parish, without *North-Gate*, with its Appurtenances, known by the Name of *St. Bernard's College*, within the University of *Oxford*; and after he had

had establish'd this his Society, he would have the same for ever call'd by the Name of *St. John Baptist's College* within the University of *Oxford*. The next thing he effected, after obtaining this Charter, was the perpetual Grant of a Messuage, together with a Grove belonging unto the same, which he bought of the Dean and Chapter of *Christ-Church* on the 25th of the same Month and Year; for a Demise of which Messuage, besides an Annuity of 20 s. stipulating for himself and his Heirs, that the first President of his Foundation should be elected out of the Canons or Students of *Christ-Church* aforesaid, and for ever after, upon any Vacancy of the Presidentship, either by Death, Resignation, or otherwise, if the Fellows of his College could not agree upon a fit Person among themselves for this Office, then they should be obliged to chuse a Successor from this College, who, from whence soever chosen, was to be admitted within seven Days by the Dean and Chapter aforesaid, or in the Deans Absence by the Chapter alone; and in the Absence of the Dean and Chapter, then by the Chancellor of the University; or his Vice-gerent. But the said Dean and Chapter claiming for them and their Successors to become perpetual Visitors of this Society; and that all Appeals and Interpretations of Statutes, &c. should be referred to them; the Founder not consenting hereunto, rather chose to seek out for a new Scite to erect his College on, than to build it on such hard Conditions and Limitations upon the Ground intended for this End.

On the 19th of *May* the same Year he confirm'd and establish'd this his Foundation, according to Form of Law, and the Tenor of the aforesaid Charter; wherein, under the Name
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of *St. John Baptist's College*, he plac'd one President and three Graduate Fellows to occupy the same till others should be added thereunto ; and of these *Alexander Belfire*, S. T. B. and Canon of *Christ-Church*, was the first President ; *Ralph de Wynod*, *Kdw. Chambre*, and *Hen. d' Aubeny*, Masters in Arts, were the first Fellows or Scholars, into whose Possession he deliver'd the said Messuage, Grove, and other Appurtenances ; and for the Maintenance of these he endowed the same with the yearly Revenue of 30 l. to be paid by the Mayor and Commonalty of the City, adding hereunto the Mannors of *Long-Witnam*, *Fisfield*, *Comnor*, *Eaton*, *Kingstone*, *Bakepuze*, *Frylsbam* and *Garford*, with their Appurtenances, as well in *Oxford* as *Berkshire*, besides many other Tenements and Church Advowsons. And having done all these things according to Law, the King and Queen, by Letters Patents of the first of *May*, in the 3d and 4th of their Reign, granted several Privileges and Immunities to them, too long to be here enumerated.

Soon after this, the Founder resolv'd to augment the Number of his Fellows, and to enjoin them a different Method in their Studies ; and to this End he abrogated and cancell'd the former Charter of Foundation, and procur'd another of the 5th of *March*, in the 4th and 5th of *Pbil. & Mary*, and founded this College as it were anew, adding hereunto larger Revenues, and enjoining his Fellows the Study of both Laws, as well as the Studies of Divinity and Philosophy. After the Number of Fellows was thus increas'd and complet, he appointed them a new Body of Statutes for the Use of them and their Successors ; and by these, under one President, he settled fifty Fellows and Scholars,

with

with a Command of twelve of them to be Lawyers; three Chaplain-Priests; three Lay-Clerks to live unmarried, and six Chorifters: But on Oct. 12. 1577. the Institution of these Chaplains, Clerks and Chorifters, was by the unanimous Consent of the President and Fellows annull'd; for that the College Estate being impair'd (I know how) was not sufficient for the Maintenance of this Number. Before this Time the Founder had enlarged the College Out-lets by the Addition of three Acres of Ground, purchased of Dr. *George Owen*; with another Acre lying between the Road from *Stuyth-gate* to *Woodstock* on the East, and *St. John's College* and the Canal running out of *Magdalen* Parish on the South, which was granted by the Fellows of *New-College* for a Term of Years, and this, with the aforesaid three Acres was encompass'd with a Wall out of the Legacy of *William Sprotte* L. L. B. and once a Fellow of this College, left by Will of the 8th of *August*, in the 10th of King *James I.*

And thus much of the Founder, who at his Death bequeath'd 3000 *l.* to his College for the purchasing of Estates: And moreover, that the Foundation it self might be reckon'd among the Members of the University, it was granted, that the President, and every Scholar of it, should enjoy the same Privileges and Immunities with other Colleges; which was afterwards confirm'd under the University-Seal affix'd to an Instrument of the 18th of *Jan.* by the Convocation of Regents, &c. and is now remaining with them in the College Archives.

As to its Benefactors, *John Case*, Doctor of Physick gave 100 *l.* for the buying an Estate of 5 *l.* per *Ann.* to be distributed among two Student-Fellows in Divinity, according to the Dis-

eration of the President and ten senior Fellows, to be named *de novo* every Year.

A. D. 1580. *Walter Fish, Merchant-Taylor* in London, gave an Annuity of 7 l. 6 s. 8 d. to be paid by the Company of *Merchant-Taylor*s to this College, and to be divided among five indigent Scholars of this College in Divinity, and is now paid by the said Company. And the Lady *Mary Mary*

—1590 gave an Estate of 5 l. per Ann. as a Stipend for a Lecture in Divinity; but this Benefaction is lost.

—1592. *Hugh Henley, Merchant-Taylor*, gave 50 l. for the perpetual Maintenance of one poor

—1609 Scholar. And *George Palin, Citizen of London*, gave 300 l. to purchase Lands for the Support of four Scholars Student in Arts, by way of Exhibition, with which an Estate of 16 l. per Ann. was bought; and this Exhibition they were to receive, till they became Doctors in Divinity.

—1613. *Thomas Wadlyne, Citizen of London*, gave an annual Exhibition of 10 l. to four poor Scholars, viz. to one 4 l. and 2 l. a-piece to each of the others, which Exhibition he paid himself during Life; and at his Death bequeath'd 200 l. to purchase an Estate for the perpetual Payment thereof.

20. Dr. *Will. Gibbons*, a very eminent Physician in London, and formerly a Fellow of this College, bought and gave hereunto the perpetual Advowson of the Rectory of *Beverly* in *Yorkshire*, as a Reward for the most deserving Person in Divinity in the said College, well knowing how commendable Learning and Religion is from the great Consciousness and Share thereof in himself; and this excellent Patron thereof having no Children of his own, it is expected that he will do other Charities in Reality, without much Talk or Boasting thereof, like another of that Faculty, who promis'd Golden Mountains.

JESUS-COLLEGE.

Hugh Price, Doctor of the Canon Laws in the University of Oxford, and Treasurer of the Church of St. David's, having in his Life Time by his Profession and Employments amassed together a considerable Sum of Money, in his old Age, resolved to leave behind him some publick Acknowledgment of his good Fortune in the World; and to this End consulting his Friends, they came at length with him to this Opinion, that he should in the most humble manner intreat Queen Elizabeth to found a College at Oxford, granting a Power to him for to settle Revenues thereon, for the Maintenance of certain Scholars to be chosen out of Wales, this being Price's Native Country; whereunto her Majesty consented, and at Price's Instance granted a Royal Charter for this Purpose, bearing Date the 27th of June, 1571. from which Charter some few things may be noted touching the Foundation of this College; as first, That Q. Eliz. is said to have founded the same within the Precincts of an ancient Hostel called *White-hall*, and heretofore belonging to the Priory of St. Frideswide, and in her Charter she orders this College to be stiled *Collegium Jesu infra Civitatem & Universitatem Oxon. ex fundatione Regine Elizabethæ*. 2dly, It is in this Charter also decreed, That this new Corporation should consist of one Pincipal, eight Fellows, and as many Scholars; and that the Queen, at the Instance of Price should have the first Nomination of all these. 3dly, For the honourable Subsistence of the aforesaid Number of Students in the several Arts and Sciences, her Majesty empower'd

the said *Hugh Price*, his Executors, Administrators, or Assigns, to endow this Society with the yearly Revenue of 160 *l.* 4thly, The Queen supply'd the Builders with Materials and Timber from *Stow* and *Shotover* Woods: And lastly, She commission'd certain Persons to take Care of the Buildings, and to assist in every thing appertaining to the speedy Dotation of this Society.

June 30.

Hereupon *Hugh Price* conveyed over several Lands, Messuages and Tenements, lying in *Brecknockshire*, to the Principal, Fellows, and Scholars aforesaid, for the perpetual Maintenance and Society of them and their Successors; but this Munificence did not amount to its first Design, the Revenues of these Estates being afterwards so far diminished and impair'd, nay (some say) reduced to nothing, that some of the Students only enjoy'd the Title of Fellows until *Wystphaling's* Benefaction came to the College, (of which hereafter) and only two or three of these Fellows, with the Principal, and some Commoners lived in the College. Soon after this Gift of *Price* was made, the publick Edifice was begun, especially that Part thereof which fronts the East, and lies towards the South, which was finish'd by the said Commissioners according to *Price's* Desire. But *Price* dying before the Building of this College was compleat, he bequeath'd 700 *l.* for this End, Part of which Sum (400 *l.*) was laid out in the Purchase of Lands by *Powell*, and the Residue thereof (300 *l.*) employ'd in Building by *Estabul Thelwall*.

This *Hugh Price* was born at *Brecknock* in *Wales*, and afterwards educated at *Osnay*, under the Tuition of his Uncle, a Canon of this Abby, where he so improved himself in his Studies, and the Merit of a good Life, that he soon became Prebendary of *Rechefer*, and afterwards

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Treasurer of the Church aforesaid, a true Regard being paid to his excellent Learning and great Abilities in the Canon Laws; a thing very rare in this Age.

Among the Benefactors to this College, Dr. *Griffith Lloyd*, Principal thereof, gave hereunto certain Lands in *Cardiganshire*, for the Maintenance of one Scholar or Fellow only of his Consanguinity on the Revenues thereof; but this Gift was not to come into the possession of the Society till after the Death of his Wife and Daughter *Jane Lloyd*: Hereupon the Students of this College were fill'd with so great Expectations of other future Benefactors, in imitation of the Pattern which *Lloyd* had set them, that on the 7th of July, 1589. they obtain another Charter of Mortmain from Queen *Elizabeth*, for increasing the Revenues of this College to 200 Pounds per Annum, besides all manner of Burthens and Charges whatsoever; assigning Delegates for the making of Statutes, &c.

Herbert Westphaling, S. T. P. and Bishop of *Hereford*, gave certain Estates in *Herefordshire*; within the Mannor of *Batcho*, for the Maintenance of two Fellows and as many Scholars thereon in the Study of good Letters, in the Choice of which he prescribes a principal Regard to such as shall be of his Blood. See the Will, dated 1602.

Henry Rowlands, born at *Llyn* in the Parish of *Melleirne* in *Carnarvanshire*, and for some time Chaplain of *New College*, Minister of *Launton* in *Oxfordshire*, and then Bishop of *Bangor*, out of his good Affection to this Society gave certain Lands and Tenements in the *Iste of Man*, A. D. 1609, for the Support of two Fellows, or the like Number of Scholars in this College; one of these he would have chosen from *Llyn* or *Bangor*

School, and the other from *Beaumaris* School; and this Gift he made with a Command, that if any Persons of his Kindred by Blood should appear equal to others in Learning, they were to receive the Preference. How this Injunction has been observed in this and other Colleges, I shall consider hereafter.

Owen Wood, born in the *Isle of Man*, and Fellow of this College, and then Dean of *Armagh* in *Ireland*, gave 160 l. to which his Wife afterwards added 40, for the Purchase of an Estate, on the Revenue of which was to be maintained one Fellow and one Scholar of the Number of his Kindred, if any appeared fit for this Charity; And with this Money, and some other, certain Lands were bought at *Dorston* in *Herefordshire*, which with *Westphaling's* Benefaction, amounts to forty Pounds *per Annum* in this County.

Thomas Reddriche, born at *Carmarthen*, and Minister of *Butley* in *Suffolk*, gave two Tenements in the Parish of *Messing* in *Essex*, of the yearly Value of eight Pounds, three Shillings and four Pence, unto this Society; and by his last Will he also devised a yearly Rent of forty Shillings, issuing out of a Messuage at *Ipswich* in *Suffolk*, for the Support of two Fellows to be chosen out of *Carmarthenshire*.

A. D. 1620.

Griffith Powell by his last Will and Testament devis'd all his Estate valued at 648 l. 17 s. 2 d. whereunto 200 l. were afterwards added, for the Purchase of certain Lands, for the Maintenance of one Fellow, and order'd that his Brother's Sir *Henry Powell's* Son, should be the first who should receive this Benevolence. This Money Sir *Eubule Thelwall*, Kt. laid out in buying certain Lands in *Flintshire*. And the Lady *Mary Robinson* of *Marmouth* also about the same time convey'd

convey'd an Annuity of 25 Pounds to be paid by the Company of Perfumers in London, for a Maintenance or Exhibition to four poor Scholars, Students in Divinity.

Richard Parry, born at *Ruthen* in *Denbysshire*, and for some time Student of *Christ-Church* in *Oxford*, and lastly Bishop of *St. Asaph*, out of his good Disposition to this College; gave hereunto an Annuity of six Pounds, payable out of the Rents of certain Lands at *Arbistock* in the said County, for the Subsistence of one poor Scholar, chosen out of the Diocese of *St. Asaph*, or the Town of *Ruthen*, with a special Regard to his Consanguinity and to Clergymens Sons.

William Pritchard, born at *Abergavenny* in *Monmouthshire*, Student of *Christ-Church*, and then Minister of *Ewelme* in *Oxfordshire*, gave A. D. 1623, two Hundred Pounds for the Purchase of an Estate of 20 Marks per Annum, as a Stipend or Maintenance for one Fellow or Scholar of the Family of *Richard ap David ap Howel Vaughan* of *Abergavenny*; and if no such Person appears, then to any one of the said Town.

Sir Tho. Canon, Kt. of *West Haverford* in *Pembrokeshire*, Justice of the Peace and Deputy-Lieutenant of this County, gave an Annuity of Ten Pounds issuing out of his Mannor of *Manchloghogge* in the said County, for a *Catechetick* Lecture in this College, and for a Sermon and Sacrament in the College-Chappel on the *Thursday* before the University-A& yearly; and this Annuity is to be equally divided between the two Performers.

Oliver Lloyd, one of the younger Brothers of a Gentleman's Family at *Berth Lloyd* in *Montgomeryshire*, for some time Fellow of *All-Souls College* in *Oxon.* L.L.D. and Chancellor of the Diocese of *Hereford*, by his last Will and Testament

A. D. 1625. ment bequeathed three hundred and fifty Pounds for the buying of an Estate of 20 Pounds *per An.* for the Maintenance of one Fellow in the Nomination of the Heirs of his Family.

— 1679. Sir *The. Wynne*, of a very antient Pedigree of that Name at *Lanwyddel-Hayrne* in *Denbighshire*, gave five hundred Pounds unto this College for the Purchase of Annuities with this Money (afterwards bought in *Wils* and *Gloucestershire*) for the Education of two Students, the one a Fellow and the other a Scholar, and each of them to be elected out of *Denbighshire* and *Carmarvanshire*.

— 1678. *Stephen Rodway* of *London* bequeathed five hundred Pounds, wherewith an Annuity of thirty fix Pounds has been purchased for the Maintenance of one Fellow and one Scholar out of *Denbighshire*, &c.

Sir *John Walter*, Knt. born at *Ludlow* in *Shropshire*, second Son of *Edmund Walter*, a Lawyer, a double Reader of the *Inner Temple*, Attorney General to *Charles Prince of Wales*, and a *Welsh Judge* for *Glamorgan*, *Brecknock*, and *Radnorshire*, Serjeant at Law, and at length Chief Baron of the Exchequer, gave a thousand Pounds for the purchasing of Lands in *Carmarvanshire*, as perpetual Exhibitions for two Fellows and as many Scholars.

— 1630. *Rich. Buddo*, the eldest Son of *Tristram Buddo* of *Winton*, and Royal Auditor in the Counties of *Hants*, *Wils*, *Dorset*, *Somerset*, *Devon*. and *Cornwall*, gave an Annuity of eleven Pounds and twelve Shillings, issuable out of the Mannor of *Culham* in *Oxfordshire*, and also an alpernate or *Coursfull* Prebend in the Church of *St. David's* (a mere Lay Fee) of about the yearly Value of forty Shillings, for the Maintenance of one Scholar.

. *Owen*, born in the *Ile of Man*, gave a yearly Exhibition of Twenty Pounds, as a Provision for two Scholars to be chosen out of *Beaumaris* Free-School, and to be of his Consanguinity, if possible.

William Thomas, born at *Brecknock*, and afterwards going to *Caerleon*, he exercised the Trade of a Mercer there for many Years, and got an Estate sufficient to be High Sheriff of the County, and left in Lands and Houses to the Value of Twenty Pounds *per Annum*, situate near this Town, for the Subsistence of two Scholars in this Society of his Kindred (if qualify'd) or at least to be chosen out of *Monmouthshire*, or in defect thereof, out of *Brecknockshire*.

King *Charles* the First granted several Lands *A. D. 1636* and Tenements to the University of *Oxford*, for the Maintenance of one Fellow in this College, and two others in *Pembroke* and *Exeter* Colleges, on the Revenues thereof, to be chosen from the Isles of *Jersey* and *Guernsey*.

David Parry of *Cardiganshire*, Esq; also gave an Exhibition of twenty Pounds *per Annum* towards the Maintenance of one Fellow born in *Cardiganshire*, *Carmarthenshire*, or *Pembrokeshire*. And *William Robson* gave another Annuity of ten Pounds to be divided between two poor Scholars, until such time as they became Bachelors in Arts.

Thomas Gwynne, born in the *Ile of Man*, and for some time Fellow of *All Souls* College, Precentor of the Church of *Sarum*, and Chancellor of *Landaff*, gave to this Society the Impropriation of the Parish of *Holyhead*, of the yearly Value of 80 *l.* towards the Maintenance of two Fellows, and as many Scholars of his Consanguinity, or (at least) to be Natives of the said Island, where the Impropriation lies; and this Gift was
con-

confirmed to the College by Sir *Justinian Lewin*, Doctor of Laws, who married the Benefactor's Heiress and Niece.

A.D. 1661. *William Backhouse* of *Swallowfield* in *Berkshire* gave also certain Lands hereunto of the yearly Value of 85 Pounds, for the Maintenance of two Fellows well skilled in the *Welsh* Language.

Sir *Leoline Jenkins*, Knt. L. L. D. sometime principal of *Jesus College*, Judge of the Admiralty and Prerogative Courts, one of the *English* Plenipotentiaries at the Treaties of *Coloyn* and *Nimiguen*, and Secretary of State to K. *Charles* the 2d and K. *James* the 2d, by his last Will and Testament, bearing Date *June 12. 1685.* gave his whole Estate to *Jesus College*, for the following Uses, viz.

He gave 50 l. a Year Rent-Charge upon his Estate to the Principal for the Time being for ever, and gave the perpetual Advowsons of the Rectory *ſine Curā* of *Landiffyl* in the County of *Cardigan*, and of the Rectory of *Rotherfield Pipard* in the County of *Oxon.* to the College, in Trust, to present upon every Vacancy the Principal for the Time being for ever.

As he perfectly knew the State of the College, and what was wanting in its Endowment, so he made up the Deficiencies of the old Foundation, and endowed several Fellowships and Scholarships, which before were only Titular, without any Stipend belonging to them.

He founded and endowed three new Fellowships, two of which Fellows are obliged either to serve as Chaplains on board the Fleet, or to go as Missionaries *ad propagandam Fidem* in the foreign Plantations; as the Lord High Admiral of *England* or the Lord Bishop of *London* shall require.

He erected and endowed two Lectures in the College for the explaining the Classick Authors in *Greek* and *Latin*, and gave 8 or 10 *l.* a Year to four Junior Fellows, from five to nine Years standing; requiring them to qualify themselves in that time to go abroad into the World for the Exercise of their several Professions.

He likewise founded and endowed a Free Grammar School in the Town of *Cambridge* in the County of *Glamorgan*, and gave 30 *l.* a Year between five Pensioners to be chosen by the Master, with the Consent of the Principal of *Jesus College*, out of the most hopeful and promising Boys in the School.

He has appointed 30 *l.* a Year more to be divided between three Exhibitioners educated in *Cambridge* School, when they come to the College, to be continued for four Years, and no longer.

He has also left 20 *l.* a Year for the settling poor Children Apprentices, and clothing poor People in the Town of *Cambridge*, and the Parishes of *Llantrissant*, *Llanblethian*, and *Istrad- Owen* in *Glamorganshire*, to be disposed of by the Master of *Cambridge* School, with the Approbation of the Principal of *Jesus College*.

John Lloyd, D.D. Bishop of *St. Davids*, who succeeded *Sir Leoline Jenkins* in the Headship of *Jesus College*, gave a Legacy of 100 *l.* to the College, *Anno* 1686.

Jonathan Edwards, D.D. born at *Wrexham* in the County of *Denbigh*, *anno* 1638, out circiter, Fellow, and then Principal of *Jesus College*, gave in his Life-time about 330 *l.* towards the adorning the Chappel and the New Buildings in the North-West Corner of the New Quadrangle. He gave besides in his Life-time several valuable Books, printed and Manuscript,

to

to the College Library. And at his Death, July 20. 1712. he left near one Thousand Books of all Sizes to the Library, which were not there before, and gave 500 l. in Money, to be disposed of as his Executors and the Society should think best for the Benefit and Advantage of the College.

Edmund Meyrick, A.M. born at *Treheldre* in the County of *Merioneth*, formerly Fellow Elect of *Jesus College*, then Vicar of *Ensam* in the County of *Oxon.* afterwards Rector of *Pembry*, and Vicar of *Llanegwad* in the County of *Caermarthen*, Precentor of the Collegiate Church of *Brecknock*, and Treasurer of *St. David's*, by his last Will and Testament vested his whole Estate in Trustees for the Encouragement of Learning in *Jesus College*.

He gave 10 l. a Year Additional to each of the six Junior Scholars of *North Wales*, and gave 5 l. a Year to six Exhibitioners, who are to be Natives of one of the six Counties of *North Wales*, his own Kindred (*ceteris paribus*) to be preferred before all others.

In his Life-time he maintained a Charity-School at the Town of *Caermarthen*, where he lived; but by his Will he removed that School, to which he allowed about 30 l. a Year, from *Caermarthen* to *Bala* in *Merionethshire*.

In regard that he has not charged his Estate to the full Value, he has ordered his Trustees, viz. the Principal and the two Senior Fellows of the College for ever, to lay up the Surplusage for the purchasing the Advowsons of Churches. Those Advowsons are to be in the Gift of the Principal and Fellows, or the major Part of them, who are obliged upon every Vacancy to present one of the six Junior Scholars of *North Wales*. If none of them is qualify'd, then

then one of the six Exhibitioners of *North Wales*; if none of them is qualified, then one of the Fellows of *North Wales*.

It is well known that the Society owes this Benefaction and many other Advantages, to their Visitor's wise Determination of their late Election in favour of Dr. *Wynne* their worthy President. Mr. *Adyrick* died at *Gloucester* 24 April, 1713.

WADHAM-COLLEGE.

ON the Dissolution of the Priory of *Austin* Fryars, situate without *Smith Gate* in the Suburbs of *Oxford*, together with other Religious Houses, K. *Henry* the 8th demised the Ground of this Priory (Part whereof belonged to the Priory of *Clatterstote* in *Oxfordshire*) to *The. Carden*, alias *Carden*, Esq; for the Terms of one and twenty Years, by a Deed made for that Purpose, and bearing Date the 20th of *December* in the 33d Year of his Reign. This Priory continued in the Possession of Mr. *Carden* until the 6th of *Edw. VI.* he paying about the yearly Sum of 3*l.* (for he paid 46 Shillings for the Buildings and Scite of this Convent, and for a Shop adjoining thereunto 13 Shillings and four Pence) for the Rent thereof. But then by Letters Patents dated the 16th of *May* this Year, it was conveyed and assigned over to *Henry Duke of Suffolk* and *The. Duport*, Gent. Soon after this it again changed its Owners, thro' a Gift thereof made by them to *Hen. Baylis*, M.D. and formerly a Fellow of *New College*, on a conditional Payment of 55 Shillings and eight Pence every Year to them and their Heirs,

A. D. 1552

nomine

notum Decima & Decimis partis; for thus the Deed expresses it. Then in the first Year of A. D. 1553. Queen Mary's Reign, on the 16th of August, it was sold to Edward Freere of Oxford, Esq; Brother-in-law to the said Baylie, and afterward to William Freere, his Brother by Right, of Inheritance; and from him at length, on the 20th of December, 29 Eliz. it was purchased by the Mayor and Bailiffs of Oxford, in the Name of the whole Corporation, for about the Sum of 430 L. Hereupon the Citizens granted out several Leases thereof, and therein provided against the usual Fairs held before the publick Gate of the Priory, to the Damage of the retailing Tradesmen of the City, which afterwards sold it to the Foundress of Wadham College.

14000 L.

Nicholas Wadham of Maresfield in Somersetshire, Esq; for some time a Gentleman-Commoner either of Corpus Christi or Christ Church, partly by a laudable Frugality of his own, and partly by that of his Wife Dorothy, had laid up a great Sum of Money, besides an Estate of 80 l. per Annum, which being of his Inheritance; he augmented it to the yearly Value of three Thousand Pounds and upwards. Herewith Nicholas Wadham being enriched, he first conceived Thoughts of founding a College at Venice, for the Education of English Youth in the Romish Religion, both he and his Wife being Papists: But being advised and perswaded by certain Friends rather to perform this Work in his own Country; and especially at Oxford, he immediately changed his Resolution; and determining to erect a College, he no sooner began to purchase Ground for this End, but he departed this Life; which for some time put a stop to this intended Foundation, tho' it did in no wise break off the Design; for he took care in his Will

Will to join such Persons in Trust with his Wife (the Executrix thereof) as were of the Number of his Kindred and Servants, to see his Intention fully perform'd, and the Work finish'd, whose Counsel and Advice his Lady generally made use of.

Wadham first made choice of the Ground-plot, on which *Glocester-Hall* now stands, for the Site and Building of his College: But on *Wadham's* Death, *Dr. Hawley*, the Principal thereof, refused to lay down his Headship, without a Promise of being made the first President of the Society. Hereupon the Lady *Dorothy* was obliged to forego her Husband's Purpose, and at a great Rate to purchase the aforesaid Priory of the City of *Oxford*, for a Seat to build this College on: Nor was this Purchase made without Condition, viz. That the Town should have the Nomination of one Fellow and two Scholars; and in pursuance hereof, *Tho. Harris*, the Son of *Francis Harris*, a Vintner, was named as Fellow, and *William Potter*, the Son of a Mercer, and *Isaac Smyth*, the Son of a Taylor in *Oxon.* were named as Scholars. On the Conveyance of this Priory to the said *Dorothy*, by the Citizens aforesaid, May 29th, 1610, upon the Payment of 600 l. the ruinous Buildings thereof, especially on the South side of the present Quadrangle, were pulled down, and a Day assign'd for laying the Foundation Stone, viz. the 31st of July ensuing, when the Vice-Chancellor, Doctors and Proctors of the University, assembled at *St. Mary's Church*, with many other Students of better Note, went from thence in a solemn Procession to lay this first Stone, giving then a Salutation to *Tho. Harris* the Mayor, and others the chief of the City. After the singing of *Te Deum*, an eloquent Speech

was made by Dr. *Ryus*, Warden of *New College*, in Commendation of the Foundation: And as soon as the Walls of the Quadrangle were raised, the Foundress purchased a Royal Charter dated the 10th of *December*, whereby she was first authorized to found a College for Students in Divinity, Civil and Canon Law, Physick, Arts, and Languages. 2dly, To place therein one Warden, sixteen Fellows, and thirty Scholars (Graduates or Non-graduates), or some few of each Class, according to the future Ordinances and Statutes of this Society: And 3dly, To consign over thereunto Revenues sufficient for the Maintenance of her Students.

Before the Buildings of the College were finish'd, *Dorothy* transmitted a Charter of Foundation, together with a Body of Statutes, wherein she would have this called by the Name of *Wadham College*; therein appointing one Warden, fifteen Fellows, and as many Scholars, with two Chaplains, two Clerks, one Manciple, two Cooks, and as many Butlers, with one Porter. The Warden may be born in any Part of *England* or *Great Britain*, but must quit the College on his Advancement to a Bishoprick, and upon Marriage. And he ought to be a Master of Arts, at least, at the Time of his being elected thereunto. The Fellows may profess what Faculty or Study they please, but every one of them, after they have compleated 18 Years from their Regency in Arts, are obliged to leave their Fellowships. The Scholars, out of which Number the Fellows are to be chosen, are to be taken, viz. three out of *Somersetshire*, three out of *Essex*, and the rest out of any County in *Great Britain*. All these Persons were appointed by the Founder, and admitted into the College on the 12th of *April*, 1613.

Of the Number of Benefactors to this College I will only mention one, who is equal to many; and that is, *John Goodridge, A.M.* and for some time Fellow hereof, and afterwards publick Professor of Rhetorick at *Gresham College*. He gave all his Lands at *Walthamstow* in *Essex* to this Society, for the Payment of the following Annuities or Exhibitions, which the Warden and Fellows were to see made, viz. to four Pensioners 9*l.* each; To every of three Foundation Scholars three Pounds; To the Moderator at Divinity Disputations 3*l.* 6*s.* 8*d.* To the Catechetick Lecturer 2*l.* To the Dean's Substitute 2*l.* 6*s.* 8*d.* To the Lecturer in the long Vacation, provided he expounds, 1*l.* To the Logick Lecturer 1*l.* For a Speech on the Founder every Year on the 20th of *October*, 1*l.* To the Moderator at Philosophy Disputations 1*l.* And to the Librarian a Mark. This Estate he devised to the College by a Will of the 25th of *November*, and proved on the 9th of *December* following.

The Buildings of this College are in respect of Beauty the most regular and uniform of any in the University, and were erected entirely at the Expence of the Lady *Dorothy*, whose Statue, with that of her Husband *Nicholas Wadham*, are to be seen thereon in Stone-work. The Hall and Chappel you behold on the East side of the Quadrangle, with the Arms of many Bishops of *Bath* and *Wells*, the Local Visitors hereof for the Time being.

PEMBROKE-COLLEGE.

I Come now to speak of the last College found-
 ed and endowed in the University of *Oxford*,
 which is erected on the Ground where *Broad-gate*
Hall once stood. In former Times there was a
 large Tenement, situated at the Corner of *St. Al-*
date's, vulgarly called *St. Toll's Church-yard*,
 belonging to the Priory of *St. Frideswide*; out
 of which for many Years there issued a certain
 Pension or Quit-Rent, payable to the Canons of
 this Priory; and from hence 'tis thought, that
 this House was dedicated to Learning, not only
 after, but long e'er the *Norman* Invasion. The
 Novices of the said Priory were herein instrukt-
 ed in Secular Studies; and from hence *St. Al-*
date's Church it self (a Moiety whereof belong'd
 to this Priory) in Registers written about King
Henry the First's Time, is often mentioned un-
 der the Name of the Monastery dedicated to
St. Aldate the Bishop. 2dly, We find this Te-
 nement to belong to the *Segryms* at *Oxford*, i. e.
 to *Richard* the Son of *Richard Segrym*, a Citizen
 here, Son or Nephew to one *Segrym*, a Clerk,
 living in the Year 1138. and was in the 38th
 Year of *Henry* the 3d, or then about, given by
Richard Segrym aforesaid to this Priory; which
 was held by the Canons for some time under the
 Name of the *Great Messuage*, situate at the Cor-
 ner aforesaid, on these Conditions, viz. That
 after his Death some Canon of this Priory should
 be thereon maintain'd for ever, there to cele-
 brate an Anniversary for the Souls of him and
 his Parents, and also one *Christian Paddy*. 3dly,
 This Tenement was called *Segrym-Hall*, and in
 the Time of this *Richard*, or before, was inha-
 bited

bited by certain Clerks or Scholars, and enjoy'd this Name till the Beginning of *Henry the 6th's* Reign, when it began to be called *Broad-gate-Hall*, from the Broad Gate then built, and leading thereinto; and in our Writers 'tis sometimes stiled *Broad-gate*, and sometimes *Segrym*, and then by Corruption *Segrym-Hall*. 4thly, There was another Tenement lying near the East thereof, added hereunto, to enlarge this Hall, which Tenement once belonged to the Monks of *Abingdon*, having the other Moiety of *St. Aldate's Church*: Moreover another Tenement was also added, lying on the East of the former, which the Principal of *Broadgate-Hall* in *Henry the 7th's* Time rented of *New-College*. 5thly, 'Tis said this Hall was principally dedicated to the Study of the Civil and Canon Law, as appears from our Registers, and elsewhere.

This Hall, at the Dissolution of the Abbies by *Henry the 8th*, was given to his College in *Oxford*, anno regni 38, together with the said Tenements belonging then to the aforesaid Monks. This same *Segrym-Hall*, in the 6th of *A. D. 1287*. King *Edward the 1st*, was valued at 40 s. per Annum Rent, and thus it continued for many Years, till the Year 1517, when it was only let for 30 s. to one *John Noble*, Principal thereof; yea, for 20 s. on the Principal's repairing of it. On the aforesaid Dissolution of Abbies, when not only this Hall, but the University it self was almost destitute of Scholars, it was not let for above 13 s. 4 d. and so it was given to the College aforesaid by *Henry the 8th*. And thus much of *Broad-gate Hall*, I now proceed to speak of *Pembroke College* in *St. Aldate's Parish*, near the Church of this Name, where I shall speak of its Foundation, Benefactors, and other Matters relating thereunto.

Thomas Tisdale, Esq; born at Sandford Deanly in Berkshire (for there he was baptized Feb. 13th, 1547.) at the Time of his Death, at Glympton near Woodstock in Oxfordshire, by his last Will of the 30th of June, 1610. bequeathed five thousand Pounds to purchase Lands and Tenements for the Maintenance of certain Fellows and Scholars to be chosen from the Free School at Abingdon, into any College within the University of Oxford. Thereupon Arch-Bishop Abbot and others of especial Note, together with the principal Burgeses of the Town of Abingdon, who were by the Will made Trustees hereof, would have immediately covenanted with Balliol College to increase the Number of the Fellows of that Society: But after many Disputes touching seven Fellows and six Scholars of Tisdale's Foundation to be placed therein, this Project came to nothing, they being now prevailed on by the Promise of a new Benefactor (Richard Whightwick, S.T.B. heretofore of Balliol College) to fix on Broad-gate Hall for the Settlement of this Charity, which Whightwick had long since thought of endowing. In the mean time Sir Nicholas Kemp, Knt. and William Baker, Esq; purchased Lands and Tenements with this Sum of 5000 Pounds in Berkshire and Wiltshire, with their Appurtenances, for the future Maintenance of Fellows and Scholars on Tisdale's Foundation. Whereupon the Mayor, Bailiffs and Commonalty of Abingdon, with the Earl of Pembroke then Chancellor of the University, prayed the King to empower them to found a certain College, consisting of a Master, Fellows and Scholars, within the University of Oxford, and Precincts of Broad-gate Hall; and to grant to the said Master, Fellows and Scholars, Letters Patents, qualifying them to purchase

chase Lands and Tenements for the Maintenance of them and their Successors. The King immediately consenting hereunto, issued out to them a Charter of *Mortmain*, dated June the 29th, 1624. wherein it is ordained, that a perpetual College should be founded within the Limits of this *Broad-gate Hall*, for the Study of Divinity, Civil and Canon Law, Physick, and the liberal Arts and Sciences, consisting of one Master, ten Fellows, and as many Graduate or Non-Graduate Scholars, more or less, according to the Statutes of the College hereafter to be established, and that this College should enjoy all the Privileges of a Body Politick, and be known by the Name of the *Master, Fellows, and Scholars of Pembroke College within the University of Oxford, of the Foundation of King James*, ad omnia & *Eustacia Tho. Tisdale & Rich. Whighwick*.

He further order'd *George Arch-Bishop of Canterbury, William Earl of Pembroke, and Chancellor of the University, Sir John Bennet, Knt. Sir Eub. Trelwall, Knt. Walt. Darrel, Esq; and the said Richard Whighwick*, or any four or more of them, to make a Body of Statutes for the Use of this Society. With this Charter was granted another, called a *Charter of Mortmain*, whereby this College was allowed to purchase Lands and Tenements to the Yearly Value of seven hundred Pounds.

After this, the Master, Fellows and Scholars had Possession deliver'd unto them of *Broad-gate-Hall*, then enlarged, and so far encreas'd in Building, as was sufficient to receive the whole Number of Students. Three Years after the College received a Body of Statutes, signed and subscribed within the Year of Dr. *Fletcher's* Vice-Chancellorship: And in these

Statutes it is ordained, That four of *Tisdale's* Fellows should be chosen from among his Kindred, and the other seven being Masters of Arts, shou'd be in holy Orders; and that the Scholars of this Foundation should be of the Free School at *Abingdon* in *Berkshire*; two of whom ought to be of his Consanguinity, and of indigent Fortunes; and if none such can be found in this School, then they may be chosen from elsewhere, provided they be of his Blood: And as to the other four, they ought to be Natives of *Abingdon*, and elected from this School, and named *Sir William Benner's* Scholars.

As to the Benefaction of *Rich. Whightwick*, who founded three Fellowships and four Scholarships, and gave Lands of the Value of a hundred Pounds *per Annum*, for the Maintenance of them; he would have two of the Fellows and two of the Scholars to be either of his Name or Kindred, wheresoever born or educated, and the three other to be chosen from *Abingdon* School. The Election for *Tisdale's* Scholars is on the *Tuesday* after the first *Sunday* in *August* yearly; wherein the Master of the College, and two of *Tisdale's* Senior Fellows, with the Master of *Christ's-Hospital* at *Abingdon*, the two Senior Curators thereof, and also the Schoolmaster of the aforesaid School, are made Electors thereof.

Among the principal Benefactors of this College, after *George Abbat*, Arch-Bishop of *Canterbury*, who gave 300 Pounds for the Redemption of a Law-Suit between *Batist College* and the Town of *Abingdon*, about the Settlement of *Tisdale's* Charity, we meet with *King Charles* the 1st, who granted unto this Society the perpetual Advowson of *St. Aldate's* Church thereunto adjoining, and moreover out of his pure Affec-

Affection to it, gave certain Lands for the Maintenance of one Fellow, to be chosen from the Isles of *Guernsey* or *Jersey*, and therein born. Then,

Juliana Stafford, Wife of *Alexander Stafford*, of *Holborn* in *Middlesex*, Gent. gave 3 l. per Ann. towards the Education of two poor Scholars in this College, to be bred up in the Study of Divinity, and order'd the Master to have the Nomination of them, who were to enjoy this Charity till they became Masters in Arts; provided they absented not themselves from the College above one Quarter in the whole Year; but this Gift was not to take Place till after her and her Husband's Death.

Francis Rous, by last Will and Testament of *March 18. 1657.* devised an Estate of 40 l. per Ann. out of the Tithes of the Church of *Bookham magna* in *Surry*, to be paid hereunto for the Maintenance of two Students in this College, and another 20 l. per Ann. for the Education of another Student in this Society, which last Gift was issuing out of a Pension paid for a Tenement in the Mannor of *Mutton* in *Cornwall*, during the Life-time of the two *Bigfords*; and after their Death also issuing out of another Tenement at *Cornbury* in *Devonshire* for ever. And the Scholars thus to be chosen he would have to be of low Fortunes, viz. under 10 l. per Ann. of a fit Age for Learning, and either of his own Posterity, or of the Stock of *Rob. Rick* and *Arthur*; being his Brethren, or lastly of the Descent from his Sisters *Arthurs* or *Upton*; and if no such appear'd, then to be elected out of the two upper Classes of *Eaton* School; these were to study Divinity, and to give some publick Specimen of their Proficiency therein before they were Bachelors in Arts; and not to enjoy this

Benefaction above seven Years, when others were to succeed them on the like Conditions.

Lastly, Dr. George Morley, late Bishop of Winchester, at the Time of his Death, founded five Scholarships more than were formerly instituted; and these he would have to be filled with Students from the Isles of Guernsey and Jersey, and endow'd the same with a liberal Allowance.

The Lodgings of this College at its first Foundation were the same with those belonging to Broadgate-Hall, together with those usually rented by the Principals of this Hall, viz. the Abingdon-Lodgings; the New College Lodgings, and Cambey's Lodgings. Upon the pulling down the greatest Part of these, were built the South and Part of the East and West Sides of the Quadrangle, with Tisdale's and Wightwick's Money, and other Benefactors. There are since erected for the Use of the Master very elegant, large, and convenient Lodgings; and if the whole College had been made suitable hereunto, it would be one of the neatest Colleges in the University, the Chancellor whereof for the Time being is appointed the Local Visitor of this Society.

~~But a few years since, the College was almost entirely destroyed by fire, and the whole was rebuilt at the expense of the University.~~

Of Halls in general.

OF the great Number of Halls and Inns heretofore in the University of Oxford, there are only now seven remaining, which are subject to the Government of their Principals; and all these (except St. Mary-Hall and Gloucester-Hall) were in ancient Times the Houses of Townsmen let out to Scholars, as Habitations for the Musicians, on yearly Rents; and if these Halls had not fallen into the Hands or Possession

session of Colleges, 'tis probable these Houses of Learning also had in the Reigns of *Henry VII.* and *Henry VIII.* been converted to other Uses.

The ancient Mansions of the Students here were vulgarly called *Hofstels*, but in Course of Time they began to be stiled *Halls*: and this Title so thoroughly prevail'd at last, that Colleges were distinguish'd by the same Name, as *Merton-Hall*, *Baliol-Hall*, *Oriel-Hall*, &c. as already remembred; and to be every where met with in ancient Writings; Archbishop *Arundel*, in a Constitution commands that none of *Wickliff's* Books be read in Schools, Halls, Hofstels, or any other Place whatsoever within the University of *Oxford*. This Word *Aula* (according to *Began Gorop*) is derived from the German Word *All* or *Hall*, which signifies to keep or cover; it being a Place wherein Merchandizes were put and kept as in a *Staple*; for the Citizens of *Oxford* say, they were heretofore of the *Staple*, and so sold Lead and Tin, Wooll and Hides, &c. But enough of this.

In former Times the Principals of these Halls were chosen by the common Suffrages of all the Students therein placed; and he who had a Superiority of Votes in each respective Hall, was by the Chancellor of the University, or his Commissary, admitted to the Execution of this Office, upon putting in of sufficient Caution to pay the yearly Rent of such House, &c. But now all these Principals or Heads are appointed by the Chancellor, except him of *Edmund-Hall*, which Right *Queen's* College refused to yield up, when all the rest of the Colleges granted this Power of Nomination and Appointment to *Rob. Dudley*, Earl of *Leicester*, and to the succeeding Chancellors of the University for ever, about the Year 1570.

The

The Principals and Students of these Halls are governed and kept in Order by Statutes heretofore made and delivered by the Chancellor, and the whole University, and in Course of Time corrected and augmented for this End; And according to these ancient Statutes, the Principals and their Scholars were obliged to go to their Parish-Churches on solemn Days for Divine Service, as *Magdalen-Hall*, *Edmund-Hall*, and *Hart-Hall*, to *St. Peter's Church* in the *East*; *Alban-Hall* to *Merton-Church*; *St. Mary-Hall* to *St. Mary's Church*; *New-Inn-Hall* to *St. Peter's Church* in the *Bailiff*; and *Glocester-Hall* to *St. Thomas's Church*. These Halls are not yearly endow'd with Estates and Revenues; yet some of them have Exhibitions or yearly Stipends given for the Maintenance of certain Students therein. The Students pay a yearly Rent to the Principals, and live at their own Charge as at the Inns of Court in *London*.

No Commoner, Battelar, or other Scholar, of what Condition soever, ought to be admitted into any Hall, until he actually comes to the University, and to the Hall, with his Books and other Goods to stay therein; nor ought any one to be admitted into any Hall, unless he has a Chamber within the same, or Lodging annex'd thereto; and every Scholar of 15 Years of Age, at the Time of his Admission into the Hall, or within three Months after, shall be oblig'd to take an Oath, before the Principal or Vice-Principal, and two senior Commoners thereof, to the Observation of the Statutes and Customs of the Halls, under Pain of Amotion or Expulsion from thence; and if he be within fifteen, then as soon as he is of that Age,

ALBAN-HALL.

THE most ancient Hall at present in the University of *Oxford* is that called *Alban-Hall*, situated in *St. John Baptist's* Parish, on the East side of *Merton-College*, and receiving its Name, according to Writers treating hereof, from the Convent of *St. Alban's*: For some will have it, that this Hall was built by the Monks thereof, and assign'd for the Use of the Youth of that House, to give them an Academical Education. But these are Mistakes; for these Monks never claim'd any Right to themselves in this Hall, having Habitations here in another Place. And the true Reason of giving this Name to the said Hall, was from an ancient Tenement or Messuage of *Rob. de St. Albans*, an *Oxford* Citizen, living here in King *John's* Reign, and some Years after; who convey'd this Tenement, with another Westward thereof (afterwards called *Nuns-Hall*) to the Nuns of *Littlemore* in *Oxfordshire*, about the Beginning of *Henry III's* Reign, who about the same time gave eight other Tenements in the Parish of *St. Aldate, Oxon.* to the Nuns of *Stodeley* in this County. These Houses were afterwards inhabited by Scholars, under the Name of *Alban-Hall* and *Nun-Hall*, which first Appellation occurs about the End of *Edward I's* Reign, tho' doubtless these Houses were dedicated to Letters some Time before. The last of them was under the Appointment of *Merton-College*, upon a Demise and an Order, that the younger Scholars of the Founder's Blood should be therein instructed in the first Parts of an University Education then called *Trivials*.

3 Hen. 6.

Some Years after these Halls became subject to divers Principals, especially the last of them. But when the Collegiate Church of *St. John Baptist* was rebuilt, there was a Coalition between these Halls, for the Students of each to come under the same Discipline and Principal; tho' how long this Union lasted is uncertain: For from the Year 1445, till *Edward IV's* Accession to the Crown, they were under the Government of different Principals; however, in *Henry VI's* Reign, and afterwards, the Fellows of *Merton-College*, often demis'd them to the Convent of *Littlemore*, which sometimes put them under the Government of two, and sometimes under one of their Fellows, by the Consent of the rest of the University. By a Deed dated 1462. it appears, that *Christina*, Abbess of *Littlemore*, gave these two Halls, therein called *Alban* and *Naone-Hall*, together with two Gardens thereunto belonging, to the Warden and Fellows of *Merton-College* for the Term of 99 Years; and by another Deed dated Dec. 15. in the 12th of *Hen. VII.* it appears that this Convent of veil'd Nuns let out *Alban-Hall*, and a Garden Southward thereof, between the said College Westward, and a Garden belonging to *Balioi-College* on the East, for the Term of 67 Years, at the Rent of 13 s. 4 d. per Ann. In *Edward IV's* Time these Halls were distinct, and in *Henry VI's* Reign they were united.

But to come nearer our own Times: The Fellows of *Merton-College* were in Possession of them by frequent Demises, until they came to Cardinal *Woolsey* with the Priory of *Littlemore* it self. *Henry VIII.* gave these Halls to his Physician, *Dr. George Owen*, formerly a Fellow of *Merton*, and this he did towards the End of his Reign, and *Owen* soon after convey'd them to
Sir

Sir *John Williams*, (afterwards Baron of *Thame*), and Sir *John Gresham* Knts. who on the 3d of *December*, by the Leave of *Edward VI.* assign'd 2 *Edw. 6.* them again over to *John Pollard* and *Rob. Perrat*, Esqrs. and they on the 16th of *June* transferred their Right to the Warden and Fellows of *Merton-College*, unto which Society it now belongs, if any Profit can arise from thence, it lying in a ruinous and desolate Condition, and for the greatest part of the Year only inhabited by Rats and Mice, and such like Vermin. Upon Enquiry, we find no Principal of it till 1437. nor do we find any Principal of *Noon-Hall* till the Year 1445. which see hereafter.

HART-HALL.

HENRY *Punchard*, an *Oxford Butcher*, convey'd this Messuage situated in *Peter's Parish* in the *East*, opposite to the North Wall of the City, and not far from *Smith-Gate*, lying between a Piece of Ground of the University on the West, and an Estate belonging to the Nuns of *Stodeley* on the East, to *Joan*, heretofore the Wife of *Nicholas Stockwell*; which Messuage afterwards came from the said *Joan*, or her Son, to *John Hankson*, and *Edith* his Wife; and from them it descended to *Walter de Grendon*, Merchant; and he assigning over his Right, it passed about the tenth Year of *Edward I.* to *Elias de Hertford*, and *Joan Hareng* his Wife, and then, to their Son *Elias*: And it being demised by the Father to the Scholars of the University, it began by him to be stiled *Hart-Hall*, from the first Part of his Name; and under this Name the said *Elias* sold it to *John de Dekelinton*, a
Citiz

Citizen of Oxford, on the 17th of June, 1301. for the Sum of 20 l. reserving all ancient Services due to the Lords thereof. By this Deed of Conveyance it appears, that it lay between *Black-Hall* on the West, and a Tenement belonging to the Priory of *Stodeley* on the East: But it did not stick with *Dokelynton* long, for he assigned it over with another Messuage in the same Parish to *Walter Stapledon* Bishop of *Exeter*, and *Rich. de Wydeslade* Precentor of *Credington*, who immediately convey'd all his Right herein to this Bishop, and then it was called *Stapledon-Hall*; and the other Tenement went by the Name of *Arthur-Hall*.

A. D. 1312.

Stapledon, on the 10th of May 1312. had a Royal Charter granted him for assigning these two Houses over to twelve Scholars. [See *Exeter College*.] This Hall was for some time call'd *Stapledon-Hall*, so long as the Bishop's Scholars continued therein, and then it return'd again to its Appellation. *Exeter-College* had the Nomination of its Principal for a long Series of Years, and the Chancellor was only to give him Admission into his Office.

In this Hall many of the Fellows of *New-College*, with their Warden, liv'd, whilst that College was in Building; and this gave a new Splendor of Reputation to this Hall, which had for many Years its Principals from this College.

Among those who were Students in this Hall, there were formerly twelve Students, unto whom the University paid a yearly Exhibition or Pension of 30 l. or more, upon the Account of the Abbot and Monks of *Glastenbury*. Who was the Donor of this Sum I know not, unless it were one of the Abbots thereof. This yearly Stipend (I think) was issuing out of an Estate at *Drayton* in *Somersetshire*, and was given for the

the Information of Youth in the Grammar-School at *Glastenbury*, which were to be placed out in the University afterwards, according to their Merits. Upon the Dissolution of this Abby, the Stipend was a Forfeiture to the Crown; but *William Marquis of Winchester*, and Lord High-Treasurer of *England*, in the Beginning of Queen *Elizabeth's* Reign, purchased the Lands out of which this Pension anciently issued, and paid the same: But the same ceased to be paid for several Years after this Marquis's Death; A. D. 1571: and thereupon the Earl of *Leicester*, Chancellor of the University, sent to the Scholars, exhorting them to send some Persons to wait on the Marquis, and know the Reasons of his Forbearance of Payment: In short, I find about half of this Exhibition begg'd of Queen *Elizabeth*, and given to *Emmanuel-College* in *Cambridge*; and the Residue is now paid to this Hall, viz. 16 l. 13 s. 4 d.

In Queen *Elizabeth's* Time *Phil. Rondell* built the publick Hall and Buttry; and Dr. *Theodore Price* built the Principal's Lodgings about the Middle of King *James I.* and Dr. *Hes* built the Kitchen and the Chambers over it: But the Library was lately erected by Contributions of Benefactors.

EDMUND-HALL.

IN Point of Antiquity I next come to speak of *Edmund-Hall*; and here there are many of an Opinion, That this Hall had its Name from *Edmund* Archbishop of *Canterbury*, about the Time of *Henry III.* who as a Master of Arts read to his Scholars here; but all these Persons

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are much mistaken: For it appears from our Registers, that this was antiently a common Tenement, and took its Name from one Lord *Edmonds*, a Citizen of *Oxford*, in the Beginning of *Henry III's* Reign. And it descending from him to his Son *Ralph*, he convey'd it to one *John Curtes*, and then this *Curtes* assign'd it to *Andrew Halegod*, with a yearly Rent of one Mark, issuing out of an adjoining Tenement in *St. Peter's* Parish in the East, called *Brondeshall*.

But it seems, this Hall of *Edmund* passed from *Ralph* his Son to *Brian de Berningham*, and not to *Curtes*, as aforesaid, who soon after sold it to *Thomas de Malmesbury* for twelve Marks, with a Reserve of a Quit-Rent of 2 s. per Ann. issuable from thence, and payable to him and his Heirs; and this Agreement was confirm'd by *Roger de Berningham*. Whether *Tho. de Malmesbury* demised the same to the Scholars does not appear; *A. D. 1270.* but it was assign'd over to the Canons of *Osney* by the said *Thomas*, Rector of *Cowley*, near *Oxford*, under the Name of a Messuage with its Edifices. It extended in length between *St. Peter's* Church-yard and some Ground belonging to *Geoffrey* the Son of *Simon*; and in breadth from a Lane leading to *St. Peter's* Church as far as a House belonging to the Priory of *Wrexton*. *Osney-Abby* was oblig'd to pay the Donor on the Score of this Gift, the Sum of one Mark, and also 8 s. to *Elizabeth* the Daughter of *Adam de Oakley* yearly.

The Abbey afterwards repair'd this Messuage with or out of the yearly Rents, and by the Consent of the University let it out as a Dwelling for Scholars, as may be said almost of all the Houses of this Convent in *Oxford*; which made great Advantage from the Rents thereof, especially in those Ages, when there were so many

many Thousands of Scholars living here. I cannot find when this Hall was first dedicated to the Muses; and on perusing the Rentals of the Abbey, touching their Houses in Oxford, we find no Mention thereof older than *Edward II's* 11 *Edw. 2.* Reign, when this Hall is said to stand empty, as it almost did in the Reign of *Hen. VIII.* when it was confiscated with the other Possessions of the Monks, after various Trials of Fortune. But King *Henry* did not keep it in his Hands long; for by Letters Patents of the 22d of *November*, 1546. he granted the same to *John Bel- low* and *Rob. Bygot*; who soon after gave it to 38 *Hen. 8.* *William Barnell* Gent. and this last, for the Con- sideration of 40 Marks, assign'd the same over 7 *Edw. 6.* to *William Densfe*, Provost of *Queens-College*, on the 28th of *July*, 1557. The Society of *Queens-College* having thus by *Barnell's* Gift obtain'd this Hall, they converted it again to the Use of Scholars, on Condition made with the Chancellor of the University, that they should for ever have the Nomination of a Prin- cipal in their Right, who was to be admitted by the Chancellor or his Commissary, as appears from an Agreement made between the Chan- cellor, Masters, and Scholars of the University, and this Society, on the first Day of *March*, in the first Year of the Reign of *Q. Elizabeth*, which Covenant is in Force even unto this Day; al- tho' there heretofore happen'd a Controversy at Law, upon their Nomination of a Successor to *Tho. Bowsfield*, on his Resignation of this Of- fice; the Chancellor of the University asserting a Right of Co-Election with the College, and the Students pretending the same. This Matter was referred to Justice *Walmesley*, on his com- ing, who inflamed the Strife, in Hopes of making a good Cause of it. But on receiving the

ST. MARY HALL.

24 Hen. 3.

A. D. 1325.

ST. *Mary* Hall, situated in a Street heretofore call'd *Schydiard-Street*, was formerly inhabited by the Citizens of *Oxford*; one of whom by Name *Henry Kelp*, convey'd this Hall under the Name of a Messuage to one *Peter*, Rector of St. *Mary's* Parish-Church, and to the Use of him and all his Successors, Rectors of the said Church: And thus it continued to be the Parsonage-House of the Rectors, until *Edward II.* in the 19th Year of his Reign, gave this Charch with all its Appurtenances to *Oriel-College*. By this Gift (yet not without a long Law-suit) this Messuage came to the Scholars of the said College, then called St. *Mary* Hall or College, together with five Shops Northward, adjoining thereunto: Which they converted to the Use of Students; altho' we know not the precise time when this House became the Muses Habitation; and this Hall had its Name from the aforesaid College or Hall.

The Catalogue of its *Principals* is very imperfect, and all that we know here is, that the same was governed either by the Provosts or some of the Fellows of this College, for many Years; but it was inhabited by Scholars, *Anno Dom. 1333.* *Oriel-College* new built this Hall at the Time when it was first consecrated to the Muses; but there is little now remaining of this Building, besides the old Hall on the North side, and some few Chambers on the East: For the rest was pulled down in the Year 1647, when

when the said Hall was rebuilt. The modern Publick Hall with the Cellar under it, and the Chappel over it, with the Buttry, and some Rooms on the West, were built at the Expence of Dr. *Saunders* the Principal, and some other Benefactors. Since the enlarging and beautifying of Colleges, this Hall suffers the like Fate with all others in the University, and is little inhabited by Students.

The most remarkable thing of this Hall I know of, is, that it gave an Education to the famous Sir *Thomas More* Knt. and Lord High Chancellor of *England*, sent to *Oxford* at the Instance of Cardinal *Morton* Archbishop of *Canterbury*. This *More* was a great Genius, and according to those Times a Person of excellent Learning.

NEW-INN-HALL, or TRILLECK-INN.

THIS Hall is situate between the *North-Bailiff*, or a Place called *The Seven Deadly Sins*, and a Street leading from *Carpenters-street* to *St. Peter's Church* in the *Bailiff*: This House was in antient Times inhabited by the *Pennards*, being Citizens in *Oxford*; from whence sprung *Frideswide*, the Daughter and Heiress of *William Pennard*, who convey'd this House, then lying between a *Godstow-Tenement* and the Homestall of *John Bybury*, to *John Trilleck* Bishop of *Hereford*, and *Tho. Trilleck* his Brother, by a Deed bearing Date the 11th of *April* 1349. But this Prelate dying intestate anno 1360. the Right to this House came wholly to his said Brother,

ther, who about six Years afterwards transferr'd the same to *Hugh Penbrige, Reg. Otery*, and *Walt. Brown* Parson of *St. Magnus Church* in *London*; and these again, after *Penbrige's* A. D. 1369. Death, assign'd the said House to *William de Wickham* Bishop of *Winton*; and others, with another Tenement called by the Name of *Hospitia Trilleckiana*. *Wickham* being thus in Possession ——— 1392. on hereof, and impower'd by a Royal Charter
 June 8. to this End, gave the said Houses, together with three Gardens lying on the West thereof, and also one other Messuage stiled *Roses-Hall*, bounded with a Garden, to the Warden and Fellows of *New-College*.

It is said, that these Houses were first dedicated to the Muses in *Trilleck's* Time; for then they began to be called Inns or Hostels, as appears from the Deed of Conveyance made by *Brown* and *Otery*, Clerks; and were then by the Convocation of Masters assign'd as Habitations ——— 1455. for the *White* or *Bernardine* Monks, or any other Religious whatsoever. Afterwards they were filled with *Civilians*, till *Edw. VI's* Time, and produced many learned Professors in this Study; whereof most of them were *Welchmen*, who have been an Ornament to the University by their Lectures read there, when they sued for their Degrees. And thus much of this Hall.

ST. MARY MAGDALEN HALL.

IT now follows that I should give some Account of *St. Mary Magdalen Hall*, among vulgar Writers acknowledged to be the Parent of *Magdalen-College* it self, which adjoins thereunto

unto; but this is a Mistake, for it was built by *A. D. 1480.*
Wainfleet after his College was finish'd, only
 for the Use and End of a *Grammar* School, with
 Chambers over it, and a Kitchen adjoining to it
 for the Reception of a School-master, and an
 Usher under him; who were to teach the Youth
 of his College and the whole Neighbourhood
gratis, and free from any Burthen to their
 Friends. Some Years after *Wainfleet's* Death,
 who died in the Year 1486. there were other
 Rooms, Lodgings, &c. added hereunto for the
 Reception and Entertainment of Scholars; and
 then this House was tiled *Grammar-Hall*, and
 afterwards it was called by the Name of *Magda-*
len-Hall, under the Government of one of the
 Fellows of the aforesaid College, till *Dr. Hussey's* ——— 1602.
 Time, who was Principal thereof.

Upon the Death of *Dr. Levet* there happen'd
 a Suit of Law about the Principalship of this
 Hall, on the Occasion of the Nomination of
Dr. Adams by the Chancellor of the University,
 and *Dr. Hammond* thereunto by *Magdalen-Col-*
lege; but the Right of Nomination was adjudg-
 ed in Favour of the Chancellor, and *Hammond*
 dispossest'd thereof.

Dr. Thomas White, formerly a Student in this
 Hall, bequeath'd an Estate for the Payment of
 Exhibitions in the Sum of 8 *l. per ann.* for the
 Use of five Students in Divinity of this Hall;
 and also for the Payment of 4 *l. per Ann.* to
 the Principal thereof: These Sums are payable
 out of an Estate devised for the Endowment of
 the *Moral Philosophy* Lecture in the University. ——— 1621.
 Also *John Meek*, another Student herein, gave
 an Estate of 100 *l. per Ann.* to be equally divi- ——— 1665.
 ded between ten Students there, &c.

GLOUCESTER-HALL.

ON the West-side of *Stockwell-street*, in the Parish of *St. Nicolas*, alias *St. Thomas the Martyr*, there remains to this Day the greatest Part of an ancient House of the Muses, which was first stiled *Gloucester-College*, and afterwards *Gloucester-Hall*, from the *Benedictine* Monks of *Gloucester*, herein educated in Academical Learning. On the Suppression of Religious Houses in *Henry VIII's* Reign, it fell into the King's Hands, who granted the same to *Dr. Rob. King*, the first Bishop of *Oxford*, and his Successors, as a Palace for him and them. The Bishop was in Possession thereof as long as the See was at *Osney*; but when King *Henry* transferr'd the same to his new erected College, as was done *Nov. 4. 1546.* he departed this Life before he had compleatly settled the Change. Soon after, by an Indenture made between *K. Edw. VI.* on one Part, *Edward Duke of Somerset* on the second part, and the afore-said *Robert* (the Bishop) on the third Part, it was covenanted to endow this Bishoprick with certain Possessions and Estates, and to have the same ratify'd under the Great Seal of *England*: Yet in this Grant there is no Mention of this Hall; wherefore 'tis believed to be still in the King's Possession: But on the 28th of *July* following, the said *Robert*, by a Deed under his own Hand, and afterwards confirmed by the Dean and Chapter of *Christ-Church*, surrendred up all the Estates of this Bishoprick into the King's Hands. Many Years after this the said Hall came into the Tenure and Occupation of one *Doddington*, by a Grant from Queen *Elizabeth*,

ber, on the yearly Payment of 55 Shillings to her for the same: And on the 23d of *March*, anno 1559. *Doddington* convey'd the same to the President and Scholars of *St. John Baptist's College*, on the Founder's Purchase; who afterwards converted the same into a House for Scholars called *St. John Baptist Hall*, decreeing some Fellow of his new founded College to be Principal thereof, and to be elected by the other Fellows.

Of the BODLEIAN LIBRARY.

THE first publick Library in *Oxford* was set up in *Durham-Hall* (where *Trinity-College* now stands) by *Richard of Bury*, or *Richard Hungerville*, who was Lord Treasurer of *England* and Bishop of *Durham*, in the Time of King *Edward III.*

About the Year 1367. another Library erected by *Thomas Cobham*, Bishop of *Worcester*, upon the old *Congregation-House*, adjoining to *St. Mary's Church*, begun to be furnish'd with Desks and Books, and was mightily increas'd by the Bounty of the Founder, King *Henry IV.* all his Sons, and other of his Nobility both spiritual and temporal; till about the Year 1480. this Library was brought into a new one, which it pleased that most Noble Prince *Humphrey Duke of Gloucester* to build over the *Divinity-School*, which he had just before founded for the Use of the University, and furnished it with those Manuscripts, which he at any Rates had purchased from foreign Parts, (chiefly from *Italy*) and presented the University with, at two Donations; the Names of which Books together

gether with his Letters sent with them, are still extant in the Archives of the University. This Library was first open'd in 1480. but within 80 Years after was utterly destroy'd by the Commissioners appointed by K. *Edw. VI.* to visit the University, in order to purge it from the Corruptions of Popery, and to establish sound Learning and Truth in the Room thereof, and to encourage *Learned Men*, a thing much wanted at present; for the Soil is good, and well enough planted, if it were duly water'd, and blessed with good Husbandmen and benign Patrons.

This was the State of Things when Sir *Thomas Bodley* Knt. consider'd the Damage which Learning had sustain'd, and the great Use that a publick Library would be to the Students: For as yet, tho' Printing was grown common, yet Books were so dear and scarce, as that a Scholar of an ordinary Fortune could not pretend to have in his private Study any more than those that were necessary for the Performance of his Exercises. Sir *Thomas* had all the Qualities of a *Mecenas*, he was an excellent Scholar himself, a Lover of Learning in others, and the Proprietor of a very plentiful Estate. After a mature Deliberation, he desir'd Leave of the University to furnish Duke *Humphrey's* Library once more, with Desks, Seats, and Books, at his own Costs and Charges; which being gain'd, he acquitted himself beyond all Expectation. He procur'd Benefactions from very many of the Nobility and Gentry both in Books and Money: He sent over Men on purpose to buy Books in *France, Italy, Spain* and *Germany*; he perswaded his learned Friends to repose their ancient Manuscripts here, as in a Place of Safety, (at least) until another general Revolution; and thereupon the learned Society

ciety of *Merton College*, wherein he had his Education, and likewise the Dean and Chapter of *Exeter*, where he had his Birth, sent in great Parcels; another Parcel was given by Mr. *Thos. Allen*, who had saved all he could procure of the University and Abby Libraries. Other Manuscripts were given by that great Antiquary Sir *Rob. Cotton*, others by Sir *Henry Savill*, (who afterwards enlarged his Benefaction by his Manuscripts of *St. Chrysostome's Works*, from whence he publish'd his *Eaton Edition*) and others from many other Benefactors. This Library was open'd on *November* the 8th, 1602. the Vice-Chancellor and the whole University coming thither in their Formalities; and this Day still continues to be the Visitation Day, when the Curators (who are the Vice-Chancellor, the King's Professors in Divinity, Law and Physick, of the *Hebrew* and *Greek* Tongues, and the two Proctors of the University) do inspect the Library, and call over all the Books, and afterwards do receive a handsome Entertainment at the Vice-Chancellor's Lodgings, and in the Afternoon there is a Speech made by one of *Christ-Church College*.

Sir *Thomas* in a few Years found his Library to encrease so fast, that he erected another Building adjoining to it, which made it in the Shape of a *Roman T*, and this he furnish'd with all things necessary, and especially with Books; wherein he was so diligent that (as he wrote to Dr. *Tho. James* his first Library-Keeper) there was not 400 Pounds worth of Books in *England* fit for a Library, which were not actually placed therein, and that he would endeavour for them also.

Nor was his Care for the future State and Preservation of it less than it ought to be: For after

ter that the University had built the publick Schools just by the Library, up two Stories high, he himself at his own Charge raised a Gallery all round a Story higher, to the Intent that when the New Part of the Library shall be filled with Books, they might go on to furnish these Galleries also. Besides this, he made an Agreement with the Stationers Company in London, to give one Copy to the Library of every Book which they should print from thence forward; which Agreement they very well observed till about the Year 1640. And lastly, by his Will he left a considerable Estate to the University in Land and Money, for Salaries to the Officers for keeping this Fabrick in Repair, and for buying new Books: But this is now fallen miserably short; for by the Fraud of his Executor, by the Loan of a great Sum of Money to Charles I. in his Distress, and by the Fire of London, the Estate will now do little more than pay the Officers their old Salary, though their Trouble is much increas'd, which Salary is too scanty and narrow for a Man of eminent Learning, as the present Librarian is, and all who succeed him in that Office ought to be.

Sir Thomas Bodley died Jan. 28. 1612. after he had made fit Statutes for the Government of the Place, and they had been confirm'd in Convocation, and he declared by the University to be the Founder of the Library: But with him the Genius of the Place did not seem to fall, since there are now more than double or treble the Number of Books in it than were there at the Time of his Death.

A. D. 1629. For soon after, the then Earl of Pembroke (through the Perswasion of Archbishop Laud) bought and gave almost all that Collection of Greek Manuscripts which Francisco Baroccio, a Venetian

Venetian Gentleman, had with great Costs and Pains gathered together, esteem'd the most valuable Collection of Books that ever came into *England* at one Time. Those which that Peer kept for his own Use, being above 22 in Number, *Oliver Cromwell* afterwards bought and gave. *Sir Thomas Roe* also, who was the *English* Ambassador at *Constantinople*, at his Return home presented a Choice Parcel of *Greek* Manuscripts which he bought in *Turkey*.

Sir Kenelm Digby also presented a great Parcel of Manuscripts newly bound, which he had from Mr. *Allen* above-mention'd, or otherwise procur'd in his Travels. And all this while Archbishop *Laud* had sent into the East to buy up *Oriental* Manuscripts, as also into *Germany*, from whence many excellent Manuscripts were gotten from the *Swedish* Soldiers, who had ravaged the Libraries there. And at his Instigation the University built up another Room contiguous to the End of Duke *Humphrey's* Library, which makes it in the Shape of a *Roman* H. This End of the Library is truly a noble Room, as well for the Goodness of the Wooden Work as for the Value of Books it is furnished with. They are placed thus; on the Gallery on the Right Hand are the *Baroccian* Manuscripts, *Digby's*, *Roe's*, *Cromwell's*, and those which were before dispersed over the Library, but now gathered together, and marked N. E. In the Gallery on the Left Hand are the Manuscripts given by Archbishop *Laud* at four or five Donations: they are about 1300 in Number, and written in above twenty Languages; all these well bound, except those he gave at his last Donation, which was in haste, by Reason of the great Troubles of those Times. The remaining Part of that new side of the Library is mostly

ly taken up with the excellent Study of the Learned *John Selden*, Esq; late of the *Inner Temple*, *London*: Tho' tis to be lamented that his whole Library was not given by his Executors, according to his Intention once; for the Fire of the *Temple* destroyed in one of their Chambers Eight Chests full of the *Registers* of *Abbeys*, and other Manuscripts relating to the History of *England*; tho' most of his Law-Books are still safe in *Lincolns Inn*.

It will be too tedious here to reckon up all the greater Benefactors to this Place, tho' one more I will not pass by, Sir *Thomas Fairfax*, afterwards Lord *Fairfax*, the General to the Parliament Forces, who amongst other Manuscripts presented 160, written by the Hand of Mr. *Rog. Dodsworth*, and relating to our *English History*, as may be guessed by the first Volume of the *Monasticon*, which was chiefly taken from them. These Books stand in one of the new Galleries, lately set up in the middle Part of the Library. Next to them on the Right Hand stands that noble Parcel of Oriental Manuscripts bought by the University of the late Dr. *Huntington*, who collected them in the East; and on the Left Hand stand the Manuscripts of the Lord *Hatton*, and those which the University bought of Mr. *Greaves*. In the other Gallery stand the Oriental Manuscripts brought from the East by Dr. *Pocock*, and purchas'd by the University, together with two other Parcels of Books, written and printed; those of Dr. *Marshall*, late Rector of *Lincoln College*, and those of Dr. *Tho. Barlow*, late Lord Bishop of *Lincoln*, who bequeathed to the Library all such Books of theirs after their Death, which were not in this Library before. This Method of giving to the Library, since it is now become so large, is approv'd

Ch. 1. of the University of OXFORD.

prov'd by many wise Men, and there are some now living, who have taken the same Course.

The World has had several printed Catalogues of the Books in the *Bodleian* Library. That of the printed Books, publish'd by Dr. *Hyde*, was in the Year 1674. since which Time there have come in so many Thousands more, that a new Catalogue is now composing by the Learned Dr. *Hudson*, the present Library-keeper, which will give the World full Satisfaction in this Point, and that as soon as may be. As to the Manuscripts, an Account of them was also publish'd above 20 Years ago, since which Time the University has bought all the Manuscripts of the deceased Dr. *Edward Bernard*, with such of his printed Books, as were fit for their Library.

Upon the whole, this Library is much larger than that of any University in *Europe*; nay, it exceeds those of all the Sovereigns in *Europe*, except the Emperor's and the French King's, which are both of them older by almost an hundred Years. These, as does the *Vatican* in *Rome*, the *Medicean* at *Florence*, and *Bessarion's* at *Venice*, exceed the *Bodleian* in *Greek* Manuscripts, which yet outdoes them all in *Oriental* ones: And for printed Books, no *Italian* Library is so celebrated as the *Ambrosian* at *Milan*, tho' it is much inferior to the *Bodleian*; as is that likewise at *Wolfenbuttel*, both in Manuscripts and printed Books, tho' we should even allow the Account given of it by *Conringius*.

Besides the *Bodleian*, there be some others vested in the University, as the *Savilian* by the Geometry School, and the *Ashmolean* by the Museum, both which are replenish'd with Manuscripts proper to their Places.

The

The studious Scholar has not only the Advantage of the abovemention'd Libraries, but also the Inspection of two large Collections of Coins and Medals, the one in the *Museum*, and the other in the Galleries of the *Bodleian* Library, which is the most considerable, and whereof great Part was given by Arch-Bishop *Laud*, and many since by Consul *Roe*. These Galleries are replenished with the Pictures of the Founders of Colleges, and of other Learned Men: And down below by the Theatre is a great Collection of antient Inscriptions and Marbles, most of them part of the *Arundelian* Collection, the rest of them being since given by Mr. *Selden* and Sir *George Wheeler*.

The Library-Keeper is elected and admitted to his Office after the same manner, as the Proctors are chosen and admitted to their Office, by delivering the Keys of the Library into his Custody; only the Candidates must submit themselves to the Examinations of the Curators. Both the Electors and the Person elected must take the proper Oaths directed in the *Bodleian* Statutes. This Library is open on all Days of the Year, besides Sundays, Christmas-Day and Holidays, from Eight a Clock in the Morning to Eleven, and from Two in the Afternoon to Five, from *Easter* to *Michaelmas*, and the other Part of the Year from One till Four a Clock, unless on Saturdays, when it is only open till Three a Clock in the Afternoon, for the sake of cleansing it.

Neither the Librarian, nor his Deputy, may on any Pretence whatsoever, carry in any Candle or Fire, on Pain of perpetual Amotion. And the Keeper ought not to be absent from thence above a Day and a half, on Pain of 20 Shillings to be lopped off from his Salary for the Increase of Books.

Besides

Besides the yearly Salary of 20 Nobles arising out of the antient Benefaction of K. *Henry the 4th*, and to be paid by Proctors out of the University Treasury, the chief Librarian receives 33 *l.* 6 *s.* 8 *d.* expressed in the Deed of *Bodley's* Gift, at the stated Feasts of the Annunciation and *Michaelmas*, or within 33 Days after, by equal Payments. There is moreover the Sum of 8 *l.* allowed to some honest poor Person, being a Servant to the chief Librarian, to sweep the Library, and to cleanse the Books, Desks, Seats, Windows, &c. and to ring the Bell and lock the Door, &c.

Herein is also kept an Iron Chest, with three Locks thereon, for the keeping of all such Money as shall be paid thereinto, which ought to be within three Days after the Receipt thereof, and the Keys are placed in the Custody of the Vice-Chancellor and Proctors, and to be deliver'd up to their Successors on quitting their Office.

No one has the Privilege of studying herein, besides Doctors or Licentiates in some one of the three Faculties, Batchelors of Divinity, Masters of Arts, Batchelors of Law or Physick, Batchelors of Arts of two Years standing, and Students in the Civil Law after three Years standing in the University, if they be Fellows of any College, and attending the Law-Lecture, be approv'd of by the Professor; the Sons also of Barons in the Upper House of Parliament. But before any Person be admitted to study herein, he ought to take the Statutable Oath before the Vice-Chancellor: And if any one should be so impudent as to study or remain here without taking this Oath, he incurs one Day's Imprisonment, and a pecuniary Mult; but the Congregation of Masters have Power, upon humble
H h Request

Request made, to indulge this Privilege to any Foreigner coming hither for the sake of Study.

The Library-Keeper, in buying all Books, is to follow the Advice of the Curators; and no Book ought to be bought in any Faculty, without the Approbation of the Professors in each Faculty, to be had in Writing, either before or after such Purchase of Book or Books; and these Books so bought to be presented to the Curators at the next Visitation, with the Price thereof.

The *Librarian* moreover ought to take care, that if any Book or Books be desir'd by any Student, or recommended by him, the Titles thereof be immediately writ down in a Book kept for this End; that upon Advice with the respective Professors, the Book or Books be bought by the Vice-Chancellor's Consent, for the Use of Students. No Book ought to be deliver'd to any Person without an Entry of his Name, and the Place of his Abode, in a Paper-Book kept for this End by the Library-Keeper, who ought every Year to prepare a perfect Catalogue, and deliver it to the Curators on the Day of Visitation.

Of the PUBLICK SCHOOLS.

NO sooner had Sir *Thomas Bodley*, Knt. built the East side of the publick Library, but it came into the Minds of such Persons, who bear Rule in the University, to erect and add three other Sides theretunto, for the Use and Service of publick Schools in the several Faculties of Learning, hereby making an handsom Quadrangle in the midst thereof: And because they could not ask the famous *Bodley* to do this for

for them, for that he had already expended large Sums of Money in repairing the Library, they resolved to apply themselves to the more wealthy and eminent Personages, who had received their Education in this University, for the accomplishing of this grand Design; which was no sooner signified unto *Bodley*, but he wrote a Letter to the University, highly approving of their Resolution, and advised them to recommend this Affair unto Sir *John Bennet*, Judge of the Prerogative Court of *Canterbury*, and also to communicate the same to as many of the Bishops as had been Students here. Whereupon Sir *John Bennet* wrote to about this Matter, and the University receiv'd from him a Latin Letter, dated *January* the 21st, 1611. full of Affection and Promises of Kindness: and on the first of *April*, the Year following, he wrote another in *English*, in which he was of *Bodley's* Opinion about our soliciting of Contributions to this End, and of registering the same with their Benefactors Names; and herein he promised to be at the Tenth Part of the Expence in the Purchase of Ground for the East side thereof, which was made of the Inhabitants of *Cut-street* at a high Rate. Then Delegates were named by his Advice for to consider of this Matter, and to make a Report of their Opinion to the Convocation, which they did on the 2^d of *May*, A. D. 1611. by the means of certain Articles hereupon: And about this Time many of the Nobility and Bishops sent in their Benefactions, as also several of the Gentry and Clergy, amounting to the Sum of about Twelve Hundred Pounds: But this not being sufficient for the finishing of this laudable Design, the same was at a stand for some time; and in the mean while *Bodley* died, and left to the University all his Lands and Tenements,

nements, together with all his Real and Personal Estate, to be laid out on the Library, and on this Building, as already remember'd.

This Legacy of *Bodley's* gave so much Life and Spirit to the University, that we proceeded to the Foundation-stone on the North side of the Building, *March* the 30th, *Anno Domini* 1613. and in six Years Time finish'd the whole Structure; during which Time there came in 4500 l. as Benefactions hereunto, besides what was given by *Bodley* and others before we enter'd on the Building.

On the South side of the *Schools Court*, up one Story, you have the *Anatomy-School*, and contiguous thereunto the *Rhetorick-School*, on the same Floor, which was first appropriated to *Hebrew*, and then to *Musick*. Under the *Anatomy-School* is the *Natural Philosophy-School*, and under that of *Rhetorick* that of *Musick*, which gave way to that of *Rhetorick*. On the North side of this Court is placed the *Civil Law-School*, and under it the *Moral Philosophy-School*; and adjoining to the said *Law-School* is the *School of Languages*, heretofore only peculiar to the *Greek Tongue*; and under the *Linguist-School* lies that of *Grammar* and *History*. On the East side of the Court are built four Schools also; of the two upper, one is appropriated to *Geometry* and *Arithmetick*, and the other to *Astronomy*, and under these two lie the *Metaphysick* and *Logick-Schools*: And these Twelve Schools are called the *Schools of Arts*, wherein the Professors have their Chairs, and the Auditors Benches to sit on, whilst the proper Exercise in them is performing, by Disputations and Lectures.

The *Divinity-School* on the West side of this Court, was begun, according to some, in the Year 1390. and lay unfinish'd for 60 Years afterwards;

terwards; but this Assertion is contradicted by our Registers, which say, that when the Students of the University first apply'd themselves to the Building of this School in the Year 1477, they purchased of *Baliol-College* a void Space of Ground lying within the City-Wall, Westward of *Exeter College*, and on the East of *School-street*, having *Exeter-street* on the North, and some Houses belonging to the Convent of *Dorchester* on the South, where *Dorchester-School* stood, and some other Houses belonging to *Baliol-College*, and adjoining to *Mildred-street*. After the University had made this, with some other Purchases, they began to build this School; but could not advance therein for want of Money: Whereupon they were obliged to write to the *Benedictines* then assembled in a general Chapter at *Northampton*, for their Assistance herein, who gave 100 l. towards carrying on this Work, on condition this School shou'd be open to the Monks of their Order; to which we may also add the Munificence of the *Austin Monks*, as appears by a Letter written by the University to the Prelates of that Order then in a Council at *Northampton*: And Arch-Bishop *Chicheley* gave a good Sum of Money hereunto; as did also the Deans of *St. Paul's*, *Sarum*, *Wells*, *Exeter*, *Lincoln*, and many others, with their Chapters. But *Hamphrey Duke of Gloucester* gave so amply, that he is said to be the Founder of this School; on which when the University was about to raise another Story, it was signify'd unto the Duke, this was a convenient Place to build a Library on, as being remote from all Noise and Secular Employments; and then they offer'd him the Title: But 'tis not known, whether he accepted it; yet 'tis certain, he was a great Benefactor to us, by

constituting Money immediately hither for this End, and at the Time of his Death leaving a good Sum by Will for this Purpose, besides a great Number of Manuscripts for the furnishing of the same.

1. The old Schools were formerly distinguished into two Classes, called the *Secular Schools* and the *Claustal Schools*. Those were stiled *Secular Schools*, which the University hir'd of the Citizens and Burgeses; and wherein the *Seculars* chiefly read and performed their Exercises: And those were the *Claustals*, which lay within the Scite of every Religious House; and where not only the Junior Monks of the Convents, whether *Benedictines* or *Franciscans*, but also many others coming from the several Monasteries in *England*, according to their Orders, were instructed in Piety and sound Learning. But 'tis to be observed, that the Monks and Fryars of every Order were obliged to do some Exercises *pro Forma*, i. e. such as were necessary to the taking of each Degree in the University. 1st, It was not heretofore lawful to convert Houses dedicated to any other Uses, provided the University was not in Arrears of Rent to the Citizens, or to the Convents, to which almost all the *Halls* and *Inns* did belong. 2^{dly}, If any School, being destitute of Students, returned to the Proprietors, and were appropriated to profane Uses, as then stiled; they were to be restor'd, if Occasion was, upon the Demand of any Master, unless the Proprietor, as Master of some Faculty, would read therein himself. 3^{dly}, Most of the Schools were either in *Halls* or *Inns*, or in *School-street*, which reach'd from the North side of *St. Mary's Church* to the City Walls: All which Schools were scarce sufficient to receive the great Number of De-

termining

termining Batchelors in *Lent*, who were there upon obliged to perform their Exercises in the Townsmens Shops, and in Places from the Concourse of Scholars. It will be too tedious to go over all the several antient Schools and their Names, with their proper Situations, &c. according to the Order of the various Faculties, as then distinguished; and therefore for the Knowledge hereof, if there be any so curious, I must refer him to Mr. *Wood*.

Of the THEATRE.

FROM the Schools I pass to the stupendous *Antiquitat.*
 Fabrick of the Theatre, North-West of *Oxon.*
 these Schools; a Work not unworthy of the great Soul of Arch-Bishop *Sheldon*, the Founder thereof, who hereby freed and exempted St. *Mary's* Church from the Profane Uses, whereunto it had sometimes been applied, in the way of Scholastick Exercises therein performed at the solemn Time of an Act.

At the Perswasion of some Reverend Persons, who had received their Education here, the University purchas'd several Houses of the Citizens, lying under the Town Walls; and about the end of the Year 1663, these Houses between the said Walls and the Divinity-School were pulled down, together with the Wall for this Building: And hereupon the next Year Arch-Bishop *Sheldon* giving 1000 *l.* the University soon began this Structure; and on the 26th of *July*, about Three a Clock in the Afternoon, the Vice-Chancellor, attended by the Heads of Colleges and Halls, together with the Doctors, Proctors, and Masters of Arts, went to the

Place; in their proper Habits, which was design'd for this Building; and after they had walked round the Ground, where the Foundation was to be laid, the publick Orator of the University mounted the *Rostrum*, and made an excellent Speech on that Occasion: When the same was ended, the Vice-Chancellor and Bishop *Morley* (then in the Visitation of his Colleges here) went and laid the Foundation-stone, with Gold and Silver thereon; and on their Return from thence, the Bishops of *Oxford* and *Glocester* did the like, as did the Doctors and Proctors; and the Day following a great Number of Workmen were employ'd, who brought the Work up to the Surface of the Ground before the approaching Winter.

The University had conceived Hopes, that other Benefactors wou'd have followed the Example of the munificent *Sheldon*, but were soon balked in their Expectations; and truly peradventure this Edifice had never been easily finished, had not this good Arch-Bishop sustained the whole Expence thereof himself.

The Walls with the Covering were almost brought to Perfection *Anno 1667*, when other Houses in *Canditch* were bought of the City for the Enlargement of the *Theatre-Yard*, and to give an open View thereof: And about two Years afterwards it was finished by the Care of that Excellent Architect Sir *Christopher Wren*, and Dean *Fell*, Curators of the Expences. Under the Theatre were Presses and other necessary Conveniences for Printing: and under the Galleries, on the Plain or Area of this Room, were the Cells and Stalls for the Composers of Letters, and Boxes for the Types, with Studies for the Correctors of the Press. As to the Roof of this Building, it is adorned with fine Paintings;

ings; but what is most admirable therein, is the Contrivance of supporting the same without the Help of any Beam; it being entirely kept up with Braces and Screws, and is the Subject of an excellent Mathematical Treatise by that Learned Prodigy of the Age, Dr. *Wallis*; who has therein shewed and proved the Dependence of each *Tignetur* on the other.

Besides the Sum of Money expended on the Building hereof, which was about 15000 *l.* this liberal Arch-Bishop gave to the University the Sum of 2000 *l.* more for the Repairs and keeping in order of this sumptuous and magnificent Structure, which was laid out on an Estate, according to *Sheldon's* Command, for this End; and what remains yearly beyond this Expence, he apply'd to the Encouragement of Printing. The Curators of this Fabrick, who are stated Delegates to audit the Accounts, &c. are chosen by the Convocation.

The PHYSICK-GARDEN.

AMong the several other noble Structures, and great Conveniencies of Learning, wherewith this famous University is adorned, this of the *Physick-Garden*, commodiously situated by the River *Cherwell*, claims not the least Place; founded, built; and the Donation thereof made to the University in the Year 1632. by the munificent Benefaction of *Henry Danvers*, Earl of *Danby*, then living at his House at *Cornbury* in *Oxfordshire*, who purchasing five Acres of Ground South of *St. Mary Magdalene College*, thereon erected about the Square thereof, most magnificent Walls and Gates, which Walls are

14 Foot of the best squared and polished Stone, the like not to be elsewhere seen; and one Gate there of the *Composite* Order of Building, to the Expence of five or six hundred Pounds, on the Front of which is this Inscription to be seen, viz. *Gloria Dei Optimi Maximi, Honori Caroli Regis, in usum Academia & Reipublicæ, 1632. Henricus Comes Darby.* And he endowed the same with an annual Revenue for ever, for the Maintenance and Keeping of the same, and its great Variety of Plants, whereof it now contains many Thousands, for the Use and Honour of the University; serving not only for Ornament and Delight, and the pleasant Walking and Diversion of Academical Students, and of all Strangers and Travellers; but of great Use also, as is easily found, among all Persons willing to improve their Botanical Inclinations and Studies; and for the pleasant Contemplation and Experience of *Vegetative Philosophy*, for which is here supposed to be as good Convenience as in any Place of *Europe* (if not the best) as also for the Service of all *Medicinal Practitioners*, supplying the Physicians, Apothecaries, and who else shall have Occasion for things of that nature, with what is right and true, fresh and good, for the Service of Health and Life. The Care of this Garden is now committed to that skilful Botanist, Mr. *Jacob Bobart*, who has carried on the Universal Herbal, begun by the Learned Doctor *Morison* deceased: He has a very handsome House adjoining thereunto, lately built for his Use at the Expence of the University, where he attends Courses of Botany; if any Persons are so curious as to study and go thro' the same.

The MUSEUM ASHMOLEANUM.

THIS *Museum* is a large and stately Pile of squared Stone Building, erected at the Charge of the University, which found such a Building necessary, for the promoting and carrying on with greater Ease and Success, several Parts of useful and curious Learning in *Physick* and *Natural Philosophy*, for which it is excellently well contrived and designed. It borders upon the West End of the Theatre, having a very magnificent Portal on that side, sustained by Pillars of the *Corinthian* Order, with several Frizes and other artificial Embellishments. The Front Northward to the Street is about 60 Feet in Length, where there is this Inscription over the Entrance thereinto, in Gilt Characters, viz. *Museum Ashmoleanum, Schola Naturalis Historia, Officina Chymica.* The first Foundation was laid on the 14th of April, 1679. and it was happily finished on the 20th of March, 1683. at which time a rich and noble Collection of Curiosities was presented to the University by that excellent and publick-spirited Gentleman, *Elias Ashmole, Esq;* and the same Day there deposited, and afterwards digested and put into a just Series and Order by the great Care and Diligence of the Learned Dr. *Plot*, who at the Donor's Request was intrusted with the Custody of this *Museum.* Accessions are continually made hereunto by several worthy Persons, as Dr. *Robert Huntington*, who hath given *Hieroglyphicks* and other *Egyptian* Antiquities; Mr. *Aaron Gadyser*, to whose generous Favour we owe there an entire Mummy; and Dr. *Martin Lister*, who has presented the University with a large Cabinet

of

of natural Rarities of his own Collection, and of several *Roman Antiquities*, as Altars, Medals, Lamps, &c. found here in *England*; so that it is justly believed, that in a few Years it will be one of the most famous Repositories of curious Things in *Europe*. The Reverend Dr. *Pound* has also given hereunto many excellent Collections of Plants and Animals brought with him from *China*, and preserved in Spirits of Wine, &c. The present Keeper hereof is Mr. *David Parry* of *Jesús College*, appointed thereunto by the Vice-Chancellor.

The CLARENDON PRINTING-HOUSE.

THE last Pile of Building to be here remembered is that Curious and Celebrated Piece of Architecture, begun on the 22^d of February, 1711. at the entire Expence of the University, and in Honour of the Memory of the late *Edward Hyde*, Earl of *Clarendon*, and Lord High Chancellor, &c. called the *Clarendon Printing-house*, from a Sum of Money raised and accruing out of the Profits of this Earl's most excellent History, the perpetual Impression whereof he gave to this University, as I have already observed. The Plan or Model of this Structure was contrived by that ingenious Artist of a Mason, Mr. *Townsend* of *Oxford*, and approved of in the Vice-Chancellorship of that worthy Patron of Learning, Dr. *Lancaster*, and will be finished ('tis hoped) in the Office of the present Vice-Chancellor, who having a Soul penadventure as large as his Body, may go
tho-

thorough with the whole Work. This House is fronted North and South with Pillars of the *Dorick* Order in Building, and surrounded at the Top with a fine Cornish, Frize, &c. and is wholly built of very good squared Stone; for the erecting whereof there were many Tenements purchased by the University, and pulled down, the whole Area of Ground making a spacious Compass. One Side or End thereof, East, is leased to Mr. *John Barker*, a Stationer in London, for the Term of 21 Years, at the rate of 200 *l. per Annum*, who has the Grant of Printing Bibles, Psalters, &c. from the University into this Lease: And the other Side or End thereof, being the West, is now employed and made use of by the University, having many Rooms and Apartments proper to the Business of Printing. Altho' this Edifice be stately, sumptuous and beautiful, yet the Design thereof might as well have given way to the Convenience of an University-Church, which is much more wanted than a Printing-House, and yet never likely to be obtained, tho' we make so many Professions for the Church and the best of Religions.

King *Charles* the 1st, at the Instance of Arch-Bishop *Land*, and thro' his own Affection to Learning, did in the 11th Year of his Reign, by a Charter then given, very much enlarge the Privileges of the University, in respect of Printing: And lest sordid Artificers should abuse this Royal Indulgence, it is provided by an University-Statute, That no Printer for the future shall enjoy these Privileges, or bear the Title of a Printer in this University, unless at the Time of his Admission he shall submit himself to observe all the Statutes and Ordinances made, or hereafter to be made, by the Convocation touching the State and Government of the Press

Press and of Printers. And because it is found by sad Experience, that these Mechanicks and Artificers, compendiously following their own Gain, oftentimes to the Damage of the Work, do cause very uncorrect Editions of Books to be published, it is provided by this Statute, That there be a Person set over these, who is well skill'd in the *Greek* and *Latin* Tongues, and in *Philosophical Studies*, with the Title of *Architypographer*, whose Office it is to supervise and look after the Business of Printing; and to provide at the University Expence all Paper, Presses, Types, &c. to prescribe the Module of the Letter, the Quality of the Paper, and the Size of the Margins, when any Book is printed at the Cost of the University, and also to correct the *Errata* of the Press. That this Office may be well and honestly performed (besides one Copy from the Impression of every Book) he has a Portion assign'd him by the Delegates or Curators of the Press, according to the Stock of Money paid into the University-Chest on the score of Printing, by way of Poundage. And since by this Statute, this Office is for ever hereafter to be annex'd to the Place of the Superior *Law-Beadle*, as having less Business than the rest, the Convocation ought to take great Care in the Choice of this Beadle, that a Person duly qualified be elected.

About the Year 1454. the Art of Printing came into this University, which God seems to have discover'd to the Minds of Men for the great Use and Service of Learning, then almost overshadowed through the thickest Clouds of Darkness, rising out of the *Romish* Church: And as Printing has given a large Increase and Advancement to all manner of Erudition, so must a Restraint on the Press of Consequence reduce

us in Process of Time to the like State of Ignorance.

The *Germans* challenge the Invention of Printing, and say this Noble Art was invented at *Strasburgh* in 1440. by *John Gottenburg*, an Alderman of that City, and afterwards perfected by him at *Mentz*. In the publick Library at *Basil* they shew several Books printed with the first Characters, invented by *Gottenburg*, such as are now used, tho' not so exact. The strongest Argument the *Germans* have, is from the Character in which the first *Latin* Books were printed, and much the same now used by the *Germans* in their ordinary Writing; for it is probable, say they, if any other People had invented this Art, they would have us'd the Characters of their own Country. The *Hollanders* dispute this Invention with the *Germans*, and ascribe it to one *Laure. Coster*, a Citizen of *Haerlem*, who walking one Night in an adjacent Wood, cut some Pieces of the Bark of a Tree into Letters, and printing some Characters on Paper with them, taught his Grandchildren their Alphabet by this new Contrivance; but observing it to be capable of further Improvement, he advanced, and within a few Days printed off several Sentences from divers Authors. *Hadrian Junius* says, that he saw the first Book of *Coster's* Printing, in which it was observable, that the Paper was not printed on both Sides, but two Leaves were glued together, to avoid the Deformity of vacant Pages: Then he changed his Beechen Letters to Leaden ones, and those afterwards into Tin; and then he contrived the glutinous Ink made use of now in all Presses. The House where he lived is still to be seen near the Market-place at *Haerlem*; on the Front whereof was formerly engraven his Picture,

Picture, with some Verses in his Commendation; and the Magistrates have in their keeping a Specimen of his first Essay.

Angelus Rocha, who published an Account of the *Vatican* Library in the Days of *Sixtus Quintus*, tells us, that *Aldus jun.* a learned Antiquary, shew'd him a Copy of *Donatus's* Grammar printed on Vellum, in the first Page of which were these Words, *Johannes Faustus Civis Moguntinus; Avus. maternus Johannis Schaeffer, primus excogitavit artem Imprimendi Typis æreis, quos deinde plumbeos invenit, multaque. ad poliendam artem, adjecit filius ejus Petrus. Schaeffer: impressus autem hic Donatus, &c. A. D. 1450.* In which Words *Mariangelus* assures us (for the same Author says 'twas his Hand) that the first Printer in Germany with molten Types had the first Hint of it from *Holland*. The old Chronicle of *Cologne*, writ in the Year 1496. confirms this, that the first Hint was from *Holland*, where *Donatus* was printed before *Gutenberg* printed any at *Mantz*; and most of the *German* Historians grant that the first Printing with Wooden Cuts was by this *Coster*; but alledge, that Composing from different Letters was *Gutenberg's* Contrivance.

The *Dutch* farther say, that after *Coster* had improv'd his new Art so far as to print with Tin Letters, he took more Servants into the House; and one whom *Jansius* thinks to be *Johannes Faustus* above-mentioned, who had the Mystery of this Art communicated to him, on his taking an Oath of Secrecy. This *John* applied himself so much to the Business, that he understood it as well as *Coster* himself; and on *Christmas-Eve*, when most of the Family were at a Procession, he carried with the Help of another, as many Cases of Letters as they were able; and going to *Amsterdam*, printed small Books

Books and Pamphlets privately ; and from thence they remov'd to *Strasburgh*, and communicated their Art to *Gottenburg*, who carrying on the Work at his own Charge, had the Honour of Being accounted the first Printer in the World : At length they settled at *Mentz*, where they kept open Shop, being out of Danger of a Prosecution from *Coster*. The first Book they printed in this City was *Alexander Gallus's* Grammar, with *Pet. Hispanus's* small Grammatical Tracts annex'd. There is in the *Bodleian* Library a Copy of *Tully's* Offices printed by this *Faustus* on Vellum, and at the End of it these Words in red Letters, *Præfens Marci Tullii clarissimum opus, Johannes Faust. Moguntinus Cuius, non atramento, non plumali canna, neque ereda, sed arte quiddam perpulerat. Petri manu pueri feliciter effeci finitum in 1465.* *Junius* says, that he has often heard his Master *Nicolas Gale* say, That an old Bookseller, Servant to *Coster*, and Chamber-Fellow with this *Faustus* who cheated him, told him the Story often with such Vehemency of Passion as commonly drew Tears from his Eyes; and that he was resolv'd to undeceive the World, but did not live to perform his Promise. These are the Arguments on both sides, and the Reader may determine as he pleases.

The *French* likewise pretend to the Honour of this Invention ; but upon no better Foundation, as *Wimpheling* observes and informs us, than that this Art was first made publick at *Rome* by one *Uldarick Hahn*, a *German*, who by *Latin* Writers is called *Uldaricus Gallus*, *Hahn* being the *German* Name for a Cock, which gave the *French* Occasion to apply the Appellative *Gallus*, as if he had been one of their Country ; tho' if it were so, it will imply no more than that he was the first who publish'd that Art in *Italy*. Bote-

now, follow'd by some modern Authors, alledges, that the *Chinese* had this Art above 1000 Years before us in *Europe*, and communicated the same to one *Marcus Venetus*; but had it been so, that Gentleman in all Probability would have brought it into *Italy*, that his own Country might have the Honour of being the first Teachers of this Art in Christendom: But there is so little Foundation for this Story, that *Roterus* himself acknowledges, that this Invention as well as that of Guns and Clocks, is owing to the *Germans*.

This Art was brought over into *England* according to *Stow* in the Year 1471. by one *Caxton*, and Printing was first used in *Westminster-Abbey*; but it appears that it was practised before that Time, by a Copy of *St. Jerom's* Exposition of the Apostle's Creed, preserved among the Archives of the University of *Oxford*, and printed there anno 1468.

Mr. *Wood* in his Antiquities of this University informs us, that *Rob. Tournier*, Master of the Wardrobe to *K. Henry VI.* first brought over Printing into *England* from *Haerlem*; the King furnish'd him with Money, wherewith he bribed *Fred. Corfellis*, who wrought at the Press, to come over with him into *England*, which he did, and set up a Printing-Press at *Oxford*, where they guarded him, lest he should make his Escape before he had perform'd his Promise.

*A List or Catalogue of the several
HEADS of COLLEGES and HALLS
in the University of Oxford, from
the earliest Times of their Founda-
tion (so far as they may be had) to
the present Age, with an Account
of the BISHOPS, who have either
presided, or had an Education there-
in ; to which is added many of the
first FELLOWS and SCHOLARS
named in the Royal Charters of their
respective Institutions.*

UNIVERSITY-COLLEGE.

MASTERS.

- 1332 **R**oger Afwarby, *A. M.*
1362 John Pocklington, *A. M.*
William Kexby, *A. M.*
Thomas Tofton, *A. M.*
1390 Thomas Duffield, *A. M.*
1399 Edmund Lacy, *A. M.*
1403 John de Appleton, *A. M.*
1413 John Castle, *A. M.*
1425 Robert Burton, *S. T. B.*

*University
College.*

MASTERS.

- 1426 Richard Witten, *S. T. B.*
 1440 Thomas Benwell, *A. M.*
 1441 John Marten, *S. T. B.*
 1474 William Gregford, *A. M.*
 1488 John Rokesburgh, *A. M.*
 1509 Ralph Hamsterley, *A. M.*
 1518 Leonard Hutchinson, *A. M.*
 John Crayford, *A. M.*
 1547 Richard Salveyn, *A. M.*
 1551 George Ellison, *A. M.*
 1557 Anthony Salveyne, *S. T. B.*
 1558 James Dugdale, *A. M.*
 1561 Thomas Key, *A. M.*
 1572 William James, *S. T. B.*
 1584 Anthony Gate, *A. M.*
 1597 George Abbot, *S. T. P.*
 1609 John Bancroft, *S. T. P.*
 1632 Thomas Walker, *S. T. B.*
 1648 Joshua Hoyle, *S. T. P.*
 1655 Francis Johnson, *A. M.*
 * 1660 Thomas Walker, *S. T. P.*
 1665 Richard Clayton, *S. T. B.*
 1676 Obadiah Walker, *A. M.*
 1688 Edward Ferrar
 1690 Thomas Bennet, *S. T. B.*
 1692 Arthur Charlet, *S. T. P.*

BISHOPS.

- | | |
|--------------------------|-------------------|
| 687 St. John de Beverley | <i>York</i> |
| 1234 St. Edmund | <i>Canterbury</i> |
| 1245 Richard de la Wyche | <i>Chichester</i> |
| 1247 Richard Fitz-Ralph | <i>Armagh</i> |
| 1420 Edmund Lacy | <i>Exon</i> |
| 1420 Richard Flemming | <i>Lincoln</i> |

BISHOPS.

1452	John Chadworth	Lincoln
1476	William Dudley	Durham
1483	John Shirwood	Durham
1549	Nicholas Ridley	London
1611	Giles Thompson	Glocester
1634	George Webb	Limerick
1639	Henry Tilson	

BALIOI-COLLEGE.

PROCTORS.

Hugh Hertipoll
Will. de Menill

Baliol
College.

PRINCIPALS.

1282	Walter de Foderingey, <i>A. M.</i>
1296	Hugh de Warkenby, <i>A. M.</i>
1303	Stephen de Cornwall, <i>A. M.</i>
1309	Richard de Chikewell, <i>A. M.</i>
1323	Henry de Seton, <i>A. M.</i>
1327	Nicholas de Luceby, <i>A. M.</i>
1332	John de Pocklington, <i>A. M.</i>

MASTERS.

1343	Hugh de Corbrygge, <i>A. M.</i>
1360	John de Wickliffe, <i>A. M.</i>
1371	Thomas Tyrwhyt, <i>A. M.</i>
1406	William Lambert, <i>A. M.</i>
1412	Thomas Chace, <i>A. M.</i>
1423	Robert Burleigh, <i>A. M.</i>

Bahat
Colleges

MASTERS.

- 1429 Robert Stapylton, *A. M.*
 1432 William Brandon, *A. M.*
 1451 Robert Thwaites, *A. M.*
 1461 William Lambton, *A. M.*
 1472 John Segden, *S. T. P.*
 1477 Robert Abdy, *A. M.*
 1494 William Bell, *A. M.*
 1497 Richard Berningham, *S. T. B.*
 1511 Thomas Ciffon, *S. T. B.*
 1518 Richard Stubbs, *S. T. B.*
 1525 William Wryght, *A. M.*
 1539 George Cootes, *S. T. P.*
 1547 James Brooks, *S. T. P.*
 1555 William Wryght, *S. T. B.*
 1559 Francis Babington, *S. T. P.*
 1560 Anthony Garnet, *A. M.*
 1563 Robert Hooper, *A. M.*
 1570 John Piers, *S. T. P.*
 1571 Adam Squire, *S. T. P.*
 1590 Edmund Lilly, *S. T. P.*
 1609 Robert Abbot, *S. T. P.*
 1616 John Parkhurst, *S. T. P.*
 1637 Thomas Laurence, *S. T. P.*
 1646 George Bradshaw, *A. M.*
 1650 Henry Savage, *S. T. P.*
 1675 Thomas Good, *S. T. P.*
 1678 John Venn, *S. T. P.*
 1687 Roger Mander, *S. T. P.*
 1705 John Baron, *S. T. P.*

BISHOPS.

- | | |
|-------------------------|-----------------|
| 1347 Richard Fitz-Ralph | <i>Armagh</i> |
| 1454 William Grey | <i>Ely</i> |
| 1419 Roger Wheldale | <i>Carlisle</i> |

BISHOPS.

1466	George Nevill	York
1530	Cuthbert Tunstall	Durham
1539	John Bell	Warcester
1554	George Cootes	Chester
1611	George Abbot	Canterbury
1615	Robert Abbot	Salum
1638	George Singe	Cloner

MERTON-COLLEGE.

W A R D E N S.

	P eter de Abendon, <i>alias</i> Laking.
1286	Richard de Werplyfdon
1295	John de la More
1299	John de Wanting
1328	Robert de Treng
1351	William de Durand
1375	John de Bloxham, <i>S. T. P.</i>
1387	John de Wendover, <i>S. T. P.</i>
1398	Edmund de Bekyngham, <i>S. T. P.</i>
1416	Thomas de Rodeburne
1417	Robert Gilbert, <i>S. T. P.</i>
1421	Henry de Abendon, <i>S. T. P.</i>
1438	Elias de Holcot, <i>S. T. B.</i>
1455	Henry Sever, <i>S. T. P.</i>
1471	John Gygur, <i>S. T. B.</i>
1482	Richard Fitz-James, <i>S. T. P.</i>
1507	Thomas Harpur, <i>S. T. P.</i>
1508	Richard Rawlins, <i>S. T. P.</i>
1521	Rowland Phipps, <i>A. M.</i>
1525	John Chambers, <i>M. D.</i>
1544	Henry Tyndall, <i>S. T. B.</i>

Merton
College.

*Merton
College.*

W A R D E N S.

- 1545 Tho. Raynolds, *S. T. P.*
 1559 James Gervays, *LL.B.*
 1562 John Man, *A. M.*
 1569 Thomas Bickley, *S. T. P.*
 1585 Sir Henry Saville, *Knt.*
 1621 Nathaniel Brent, *LL.D.*
 1645 William Hervey, *M. D.*
 1646 Nathaniel Brent
 1651 Jonathan Goddard, *M. D.*
 1660 Edward Reynolds, *S. T. P.*
 1661 Sir Thomas Clayton, *Knt.*
 1693 Richard Lydall, *M. D.*
 1704 Edmund Marten, *M. D.*
 1709 John Holland, *S. T. P.*

B I S H O P S.

- | | |
|---------------------------|-------------------|
| 1297 William de Hothum | <i>Dublin</i> |
| 1348 Thomas de Bradwardyn | <i>Canterbury</i> |
| 1349 Simon de Islep | <i>Canterbury</i> |
| 1369 William Read | <i>Chichester</i> |
| 1375 Robert de Wickford | <i>Dublin</i> |
| 1420 Thomas de Rodeburne | <i>Chichester</i> |
| 1452 Thomas Kemp | <i>Canterbury</i> |
| 1452 John Chadworth | <i>Lincoln</i> |
| 1478 John Marshall | <i>Landaffe</i> |
| 1506 Richard Fitz-James | <i>London</i> |
| 1523 Richard Rawlins | <i>St. Davids</i> |
| 1541 John Chambers | <i>Peterbor.</i> |
| 1559 John Jewell | <i>Salurn</i> |
| 1560 John Parkurst | <i>Norwich</i> |
| 1619 George Carleton | <i>Chichester</i> |
| 1660 Edward Reynolds | <i>Norwich</i> |
| 1663 John Earle | <i>Salurn</i> |

EXETER.

EXETER-COLLEGE.

RECTORS.

- 1566 John Neale, *A. M.*
 1570 Robert Newton, *A. M.*
 1578 Thomas Glazier, *LL.D.*
 1592 Thomas Holland, *S. T. P.*
 1612 John Prideaux, *S. T. P.*
 1642 George Hakewell, *S. T. P.*
 1649 John Conant, *S. T. P.*
 1662 Joshua Maynard, *S. T. B.*
 1665 Arthur Bury, *S. T. P.*
 1689 William Paynter, *S. T. P.*

BISHOPS.

- | | |
|-----------------------|------------------------|
| 1381 William Courtney | Canterbury |
| 1369 William Rede | Chichester |
| 1413 Richard Courtney | Norwich |
| 1445 Walter Hart | Norwich |
| 1449 Nicholas Tregury | Dublin |
| 1449 John Halse | Lichfield and Coventry |
| 1505 John Arundell | Exon |
| 1553 John Holyman | Bristol |
| 1596 John Chardon | Down & Connor |
| 1616 Lewis Bagly | Bangor |
| 1641 John Prideaux | Worcester |
| 1641 Thomas Winniffe | Lincoln |
| 1662 Edward Hall | Chester |

ORIEL-COLLEGE.

PROVOSTS.

- 1325 **A** Dam de Brome
 1332 William de Leverton
 1347 William de Hawkesworth, *S. T. P.*
 1349 William de Daventry
 1373 John Colyntre
 1386 John Middleton, *S. T. P.*
 1394 John Maldon, *A. M.*
 1401 John Poffel
 William Corffe, *S. T. P.*
 1414 Thomas Leyntwarden
 Henry Kayle
 1425 Nicolas Herry
 John Carpenter
 Walter Lyhert or Le Hart
 1445 John Halse, *S. T. B.*
 1449 Henry Sampson
 Thomas Hawkins
 1478 John Taylour, *S. T. P.*
 Thomas Cornish
 1507 Edmund Wylford, *S. T. P.*
 1516 James More, *S. T. B.*
 1530 Thomas Ware, *S. T. P.*
 1538 Henry Mynne
 1540 William Haynes, *S. T. B.*
 1550 John Smyth, *A. M.*
 1564 Roger Marbeck
 1566 John Belly, *LL.D.*
 1572 Anthony Blencow, *LL.D.*
 1617 William Lewis, *A. M.*
 1621 John Tolson, *S. T. P.*
 1644 John Saunders
 1652 Robert Say, *S. T. P.*
 1691 George Royse, *S. T. P.*
 1708 George Carter, *S. T. P.*

BISHOPS.

1396	Thomas Arundell	Canterbury
1445	Richard Praty	Chichester
1443	John Carpenter	Worcester
1445	Walter Hart	Norwich
1450	Regin. Peacock	Chichester
1459	John Halse	L. & Cov.
1491	Thomas Cornish	
1660	Hugh Lloyd	Landaffe

QUEEN'S-COLLEGE.

PROVOSTS.

	R ichard de Retteford	
1343	John de Hotham	
1361	Henry de Whytfield	
	Thomas de Carlisle, <i>A. M.</i>	
	Roger Wheldale, <i>A. M.</i>	
1420	Walter Bell, <i>A. M.</i>	
1427	Rowland de Byrrys, <i>A. M.</i>	
1439	Thomas Eglesfield, <i>A. M.</i>	
1442	William Spencer, <i>A. M.</i>	
1459	John Peyrson, <i>A. M.</i>	
1483	Henry Boost, <i>A. M.</i>	
1489	Thomas Langton, <i>LL. D.</i>	
1495	Christopher Bainbrigge, <i>A. M.</i>	
1508	Edward Rigge, <i>A. M.</i>	
	William Devenish or Denys, <i>A. M.</i>	
1559	Hugh Hodgson, <i>A. M.</i>	
1561	Thomas Francis, <i>M. D.</i>	
1563	Lancelot Shaw, <i>S. T. B.</i>	
1565	Alan Scot, <i>A. M.</i>	
1575	Bartholomew Bousfield, <i>A. M.</i>	

PROVOSTS.

- 1581 Henry Robinson, S. T. P.
 1599 Henry Airay, S. T. B.
 1616 Barnaby Potter, S. T. P.
 1626 Christopher Potter, S. T. P.
 1645 Gerard Langbain, S. T. P.
 1657 Thomas Barlow, S. T. P.
 1677 Timothy Halton, S. T. P.
 1704 William Lancaster, S. T. P.

BISHOPS.

- | | |
|-----------------------------|-----------------|
| 1419 Roger Wheldale | <i>Carlisle</i> |
| 1405 Henry Beaufort | <i>Winton</i> |
| 1493 Thomas Langton | <i>Winton</i> |
| 1508 Christopher Bainbrigge | <i>York</i> |
| 1598 Henry Robinson | <i>Carlisle</i> |
| 1629 Barn. Potter | <i>Carlisle</i> |
| 1671 Guy Carleton | <i>Bristol</i> |
| 1676 Thomas Barlow | <i>Lincoln</i> |
| 1671 Henry Compton | <i>London</i> |
| 1700 William Nicholson | <i>Carlisle</i> |

CHARTER-FELLOWS.

- William de Cundale
 William de Hawkesworth
 William de Palmorna
 William de Colyngnam
 Thomas de Trumshagh
 John de Dumbleton
 William de Renham
 Robert de Hardley
 William de Heightelbury
 Regin. de Stratton
 William de Wantyng
 Hugh de Mollyngton

NEW-COLLEGE.

W A R D E N S.

- R**ich. Toneworth
 Nic. Wickham
 1393 Tho. Cranleigh, S. T. P.
 1396 Rich. Malford, S. T. B.
 1403 John Bouke, S. T. B.
 1429 Will. Escot, S. T. B.
 1435 Nic. Ofylbury, S. T. B.
 1453 Tho. Chaundler, S. T. P.
 1475 Walter Hill, A. M.
 1494 Will. Porter, S. T. B.
 1520 John Reade, S. T. B.
 1521 John Young, S. T. P.
 1526 John London, L. L. D.
 1542 Henry Cole, L. L. D.
 1551 Ralph Skinner, A. M.
 1553 Tho. White, L. L. D.
 1573 Martin Culpepper, M. D.
 1599 George Ryves, S. T. P.
 1613 Arthur Lake, S. T. P.
 1617 Rob. Pynke, S. T. P.
 * 1647 Henry Stringer, S. T. P.
 1648 George Marshal, S. T. B.
 1658 Mich. Woodward, S. T. P.
 1675 John Nicolas, S. T. P.
 1679 Hen. Beefton, L. L. D.
 1701 Rich. Traffles, L. L. D.
 1703 Tho. Braithwait, L. L. D.
 1712 John Cobb, L. L. D.

BISHOPS.

1397	Tho. Cranleigh	Dublin
1414	Hen. Chichley	Cant.
1443	Tho. Bekington	B. & Wells
1447	Will. Waynfleet	Winton
1462	John Kingstote	Carlisle
1480	John Russell	Lincoln
1499	Tho. Jane	Norwich
1501	Hen. Deane	Cant.
1504	Will. Warham	Cant.
1504	Rich. Mayew	Hereford
1508	Rob. Sherbourne	Chichester
1517	John Younge	Callicpolis
1522	Hugh Inge	Dublin
1541	Will. Knight	B. & Wells
1534	John Holyman	Bristol
1556	John Whyte	Winton
1556	James Turbeville	Exon.
1560	Tho. Younge	York
1589	John Underhill	Oxon.
1597	Tho. Bilson	Winton
1598	Hen. Rowlands	Bangor
1616	Arthur Lake	B. & Wells
1665	Alex. Hyde	Salum
1679	Will. Beaw	Landaffe
1674	Ralph Bridecke	Chich.
1674	Peter Gunning	Ely
1684	Fran. Turner	Ely
1685	Tho. Kenn	B. & Wells
1708	Tho. Maningham	Chich.
1708	Charles Trimnel	Norwich
1710	Phillip Bisse	Hereford
	Will. Meyrick	Isle of Man
	Lewis Owen	Titular Bishop of Casa

LINCOLN-COLLEGE.

RECTORS.

- W**illiam Chamberlain
 1435 John Beke, S. T. B.
 1460 John Tristroppe
 1479 George Strangeways, S. T. B.
 1488 William Bethome, S. T. P.
 1493 Thomas Banke, S. T. P.
 1503 Thomas Drax, S. T. P.
 1518 John Cottisford, S. T. P.
 1538 Hugh Weston, A. M.
 1555 Christopher Hargreve, A. M.
 1558 Hen. Henshaw, S. T. B.
 1560 Francis Babington, S. T. P.
 1563 John Bridgwater, A. M.
 1574 John Tatham, A. M.
 1572 John Underhill, S. T. P.
 1590 Richard Kilby, A. M.
 1620 Paul Hood, S. T. P.
 1668 Nath. Crew, LL.D.
 1672 Thomas Marshal, S. T. P.
 1685 Fitzherbert Adams, S. T. P.

BISHOPS.

- | | |
|-----------------------|-----------------|
| 1495 William Smyth | Lincoln |
| 1509 John Penny | Carlisle |
| 1620 William Bishop | Chalcedon |
| 1622 William Gifford | Rheims |
| 1636 John Atherton | Waterford |
| 1660 Robert Sanderson | Lincoln |
| 1660 Henry Hall | Down and Connor |
| 1679 Nath. Crew | Durham |



ALL-SOULS-COLLEGE.

W A R D E N S.

- 1437 **R**ichard Andrews, *LL.D.*
 Roger Keys, *LL.B.*
 1445 William Kele, *A.M.*
 1459 William Potman, *LL.D.*
 1466 John Stokys, *A.M.*
 1494 Thomas Hobbys, *A.M.*
 1503 William Brook
 1524 John Coale, *A.M.*
 1527 Robert Woodward
 1533 Roger Stokely, *A.M.*
 1536 John Warner, *M.D.*
 1555 Seth Holland
 1558 John Pope, *LL.B.*
 Ditto Warner
 1565 Richard Barber, *LL.D.*
 1571 Robert Hoveden, *A.M.*
 1614 Richard Mocket, *S.T.P.*
 1618 Richard Aftley, *S.T.P.*
 * 1635 Gilbert Sheldon, *S.T.P.*
 1648 John Palmer
 1660 Ditto Sheldon
 1660 John Meredith, *LL.D.*
 1665 Thomas James, *S.T.P.*
 1686 Leopold William Finch
 1702 Bernard Gardiner, *LL.D.*

B I S H O P S.

- | | |
|-------------------------|-----------------------|
| 1465 Robert Stillington | <i>Bath and Wells</i> |
| 1472 James Goldwell | <i>Normwich</i> |
| 1554 Gilbert Bourne | <i>Bath and Wells</i> |
| 1557 David Pole | <i>Peterborough</i> |

BISHOPS.

1570	Nicholas Bullingham	Worcester
1580	John Watson	Winton
1611	Giles Thompson	Glocester
1622	John Hanmer	Asaph
1635	Roger Manwaring	St. Davids
1660	Brian Duppa	Winton
1664	Gilbert Sheldon	Canterbury
1660	Jeremy Taylour	D.& Connor
	William Johnson	Meath

MAGDALENE-COLLEGE.

PRESIDENTS.

1458	John Horsley, S. T. B.
1480	William Tibbard, S. T. B.
1504	Richard Mayew S. T. P.
1516	John Claymond, S. T. B.
1525	John Hygden, S. T. P.
1525	Laurence Stubbes, S. T. P.
1527	Thomas Knolles, S. T. P.
1535	Owen Oglethorp
1552	Walter Haddon, LL.D.
1553	Ditto Oglethorp
1555	Arthur Cole, S. T. B.
1558	Thomas Coveney
1561	Laurence Humphrey, S. T. P.
1590	Nicholas Bond, S. T. P.
1607	John Harding, S. T. P.
1610	William Langton, S. T. P.
1626	Acceptus Frewen, S. T. P.
* 1644	John Oliver, S. T. P.
1648	John Wilkinfon, S. T. P.

Magdalene
College.

P R E S I D E N T S.

- 1649 Thomas Goodwin, *S. T. P.*
 1660 John Oliver *restor'd*
 1661 Thomas Pierce, *S. T. P.*
 1671 Henry Clerk, *M. D.*
 1687 John Hough, *S. T. P.*
 1700 John Rogers, *S. T. P.*
 1702 Thomas Bayly, *S. T. P.*
 1706 Joseph Harwar, *S. T. P.*

B I S H O P S.

- | | |
|-------------------------|-----------------------|
| 1502 Richard Fox | <i>Winton</i> |
| 1514 William Atwaker | <i>Lincoln</i> |
| 1515 Thomas Woolsey | <i>York</i> |
| 1520 John Voysey | <i>Exon</i> |
| 1521 John Longland | <i>Lincoln</i> |
| 1530 John Stokesley | <i>London</i> |
| 1555 Reginald Pole | <i>Cant.</i> |
| 1555 George Cootes | <i>Chester</i> |
| 1556 Owen Oglethorp | <i>Carlisle</i> |
| 1559 Thomas Bentham | <i>L. & Cov.</i> |
| 1570 William Bradbridge | <i>Exon</i> |
| 1573 William Overton | <i>L. & Cov.</i> |
| 1581 John Bullingham | <i>Glocester</i> |
| 1584 Thomas Godwyn | <i>B. & Wells</i> |
| 1584 Thomas Cooper | <i>Winton</i> |
| 1585 Thomas Bickley | <i>Chich.</i> |
| 1588 John Piers | <i>York</i> |
| 1591 Willam Downham | <i>Chester</i> |
| 1598 Henry Cotton | <i>Sarum</i> |
| 1604 William Pylsworth | <i>Londonder.</i> |
| 1616 John Thornborough | <i>Worcester</i> |
| 1635 George Andrews | |
| 1637 John Warner | <i>Rochester</i> |
| 1660 Acceptus Frewen | <i>York</i> |

BISHOPS.

1660 William Nicholson	<i>Glocester</i>
1671 Ezech. Hopkins	<i>Rapho</i>
1700 John Hough	<i>L. & Cov.</i>

BRAZEN-NOSE-COLLEGE.

PRINCIPALS.

1510	M atthew Smyth
1547	John Hawarden, <i>S. T. B.</i>
	Thomas Blanchard, <i>A. M.</i>
1573	Richard Harrys, <i>A. M.</i>
1595	Alex. Nowell, <i>A. M.</i>
1595	Thomas Singleton, <i>S. T. B.</i>
* 1614	Samuel Radcliffe, <i>S. T. P.</i>
* 1648	Thomas Yate, <i>S. T. P.</i>
1648	Daniel Greenwood, <i>S. T. P.</i>
1660	Ditto Yate,
1681	John Mear, <i>S. T. P.</i>
1710	Robert Shippen, <i>S. T. P.</i>

*Brazen-nose
College.*

BISHOPS.

1577 Richard Barnes	<i>Durham</i>
1579 John Woulton	<i>Exon</i>
1612 Miles Smith	<i>Glocester</i>
1619 Lancelot Bulkley,	<i>Dublin</i>
1633 William Forfter	<i>Sodor</i>
1635 Peter Parre	<i>Sodor</i>
1671 Henry Bridgman	<i>Sodor</i>
1618 Gerhard Massey	<i>Chester</i>

Who died before his Consecration

CORPUS CHRISTI COLLEGE.

P R E S I D E N T S.

- 1516 John Claymunt
 1537 Robert Morwent
 1558 William Cheadsey
 1559 William Bocher *alias* Butcher
 1561 Thomas Greenway
 1568 William Cole
 1578 John Raynolds
 1578 John Spenser
 1614 Thomas Anyan
 1629 John Holt
 1630 Thomas Jackson
 * 1640 Robert Newlin
 1648 Edmund Staunton
 1660 Ditto Newlin
 1687 Thomas Turner

B I S H O P S.

- | | |
|---------------------|-------------------|
| 1551 Richard Pate | <i>Worcester</i> |
| 1553 Nicholas Heath | <i>Tork</i> |
| 1554 James Brooks | <i>Glocester</i> |
| 1555 Reginald Pole | <i>Canterbury</i> |
| 1559 John Jewell | <i>Sarum</i> |
| 1610 Henry Parry | <i>Worcester</i> |
| 1634 George Webb | <i>Limerick</i> |
| Edward Fowler | <i>Glocester</i> |

CHRIST-CHURCH COLLEGE.

Christ-
Church
College.

DEANS.

John Hygden, *S. T. P.*

John Oliver, *LL.D.*

Richard Cox, *S. T. P.*

Richard Martial, *A. M.*

George Carew

1561 Thomas Sampson

1565 Thomas Godwin, *S. T. P.*

1567 Thomas Cooper, *S. T. P.*

1570 John Piers, *S. T. P.*

1576 Tobias Matthews, *S. T. P.*

1584 William James, *S. T. P.*

1594 Thomas Ravis, *S. T. P.*

1605 John Kyng, *S. T. P.*

1611 William Goodwin, *S. T. P.*

1620 Richard Corbet, *S. T. P.*

1629 Brian Duppa, *S. T. P.*

* 1638 Samuel Fell, *S. T. P.*

1648 Edward Reynolds, *S. T. P.*

1651 John Owen, *S. T. P.*

1659 Ditto Reynolds

1660 George Morley, *S. T. B.*

1660 John Fell, *S. T. P.*

1686 John Maffey

1689 Henry Aldrich, *S. T. P.*

1711 Francis Atterbury, *S. T. P.*

1713 George Smalridge, *S. T. P.*

BISHOPS.

1585 Herbert Westphaling

Hereford

1588 John Piers

York

1599 Martin Heton

Ely

Christ
Church
College.

BISHOPS.

1604	Richard Parry	Asaph
1606	Tob. Matthews	York
1606	William James	Durham
1607	Thomas Ravis	London
1611	John King	London
1612	Miles Smith	Glocester
1617	Francis Godwin	Hereford
1628	John Howson	Durham
1632	William Piers	B. & Wells
1632	Richard Corbet	Norwich
1632	John Bancroft	Oxon.
1641	Henry King	Chich.
1660	Brian Duppa	Winton
1660	George Griffith	Asaph
1660	Robert Price	
1661	Herbert Crofts	Hereford
1662	George Morley	Winton
1663	Michael Boyle	Dublin
1667	John Dolben	Rocheſter
1667	William Fuller	Lincoln
1667	John Parker	Tuan
1669	Thomas Bayly	
1671	Thomas Wood	L. & Cov.
1675	John Fell	Oxon.
	Robert Frampton	Gloceſter
1700	Charles Hickman	Londander.
1703	George Hooper	B. & Wells
1713	Francis Atterbury	Rocheſter
1714	George Smalridge	Briſtol
1714	Fran. Gaſtrell	Cheſter

TRINITY.

TRINITY-COLLEGE.

PRESIDENTS.

- 1556 **T**homas Slythurst, S. T. B.
 1559 **A**rthur Yeldard, S. T. P.
 1598 Ralph Kettle, S. T. P.
 * 1643 Hannibal Potter, S. T. P.
 1647 Robert Harris, A. M.
 1658 William Hawes, A. M.
 1659 Seth Ward, S. T. P.
 1660 Ditto Potter
 1664 Ralph Bathurst, M. D.
 1704 Thomas Sykes, S. T. P.
 1705 William Dobson, S. T. P.

BISHOPS.

- | | |
|-------------------------|------------|
| 1604 Bernard Adams | Limerick |
| 1632 Robert Wright | L. & Cov. |
| 1660 Gilbert Ironside | Bristol |
| 1660 William Lucy | St. Davids |
| 1663 Robert Skinner | Worcester |
| 1664 Gilbert Sheldon | Canterbury |
| 1667 Henry Glenham | Asaph |
| 1624 Richard Smith | Chalcedon |
| 1689 Nicholas Stratford | Chester |
| 1686 Samuel Parker | Oxon. |

CHARTER-FELLOWS. Count.

- | | |
|------------------------|------------|
| Stephen Marks, A. M. | Cornwall |
| Robert Newton | |
| John Barwyke, A. B. | Devon |
| Jacob Bell, A. B. | Somerset |
| Roger Crispin, A. B. | Devon |
| John Richardson, A. B. | Cumberland |
| Thomas Scot, A. B. | Cumberland |
| George Symphon, A. B. | Cumberland |

Trinity
College.

SCHOLARS. Count.

John Ardern
John Comporte
John Pert
John Lagaster

Oxon.
Middlesex
Warwick
York

ST. JOHN BAPTIST'S COLLEGE.

PRESIDENTS.

St. John
Baptist's
College.

- 1555 **A**lexander Belfire, S. T. B.
1559 William Elye, S. T. B.
1563 William Stocker, S. T. B.
1564 John Robinson, S. T. P.
1572 Tobias Matthew, A. M.
1577 Francis Willis, S. T. P.
1590 Ralph Hutchinson, S. T. B.
1605 John Buckridge, S. T. P.
1611 William Laud, S. T. P.
1621 William Juxon, LL. D.
* 1632 Richard Baylie, S. T. B.
1648 Francis Cheynell, S. T. P.
1650 Gratus Owen, A. M.
1660 Ditto Richard Baylie
1667 Peter Mews, LL. D.
1673 William Levinz, M. D.
1698 William Delaune, S. T. P.

BISHOPS.

- 1606 Tobias Matthews
1619 Michael Boyle
1619 Row. Searchfield
1627 John Buckridge

York
Waterford
Bristol
Ely

1633

BISHOPS

1633	William Laud	Canterbury
1660	William Juxon	Canterbury
1660	George Wild	Kildare
1684	Peter Mews	Winton

JESUS-COLLEGE.

PRINCIPALS.

1571	David Lewes, LL.D.
1572	Griffith Lloyd
	Francis Bevans, LL.D.
1602	John Williams, S.T.P.
1613	Griffith Powell, LL.D.
1620	Francis Mancell, A.M.
1621	Sir Eubul. Thelwall, Knt.
* 1630	Francis Mancell, S.T.P.
1648	Mich. Roberts, S.T.P.
1657	Francis Howell
1660	Ditto Mancell
1660	Sir Leoline Jenkins
1673	John Lloyd, S.T.P.
1686	Jonathan Edwards, S.T.P.
1712	John Wynne, S.T.P.

Jesus
College.



BISHOPS.

1589	Richard Meredith	
1612	John Rider	
1639	Morgan Owen	Landaffe
1644	Thomas Howell	Bristol
	Hugh Lloyd	Landaffe
	Francis Davys	Landaffe
		John

*Jesus
College.*


BISHOPS.

	John Parry	<i>Offory</i>
	Hum. Humphreys	<i>Hereford</i>
1686	John Lloyd	<i>St. Davids</i>
	William Thomas	<i>Worcester</i>

WADHAM-COLLEGE.**WARDENS.**

*Wadham
College,*



	R obert Wright, <i>S. T. P.</i>
1613	John Flemming, <i>S. T. B.</i>
1616	William Smyth, <i>S. T. P.</i>
1635	Daniel Escot, <i>S. T. P.</i>
* 1644	John Pit, <i>S. T. B.</i>
1648	John Wilkins, <i>S. T. P.</i>
1659	Walter Blandford, <i>S. T. P.</i>
	Gilbert Ironside, <i>S. T. P.</i>
1689	Thomas Dunster, <i>S. T. P.</i>

BISHOPS,

1660	Nicholas Monk	<i>Hereford</i>
1662	John Gauden	<i>Worcester</i>
1667	Seth Ward	<i>Salum</i>
1671	Walter Blandford	<i>Worcester</i>
1684	Thomas Sprat	<i>Rocheſter</i>
1689	Gilbert Ironſide	<i>Hereford</i>
1713	Thomas Lindeſay	<i>Armagh</i>

CHARTER-FELLOWS.

William Smyth, *A. M.*
 John Goodridge, *A. M.*
 Edward Brunkard, *A. M.*

John

CHARTER-FELLOWS.

John Pit, *A.M.*
James Harrington, *A.M.*
Daniel Escot
Humphrey Sydenham
Richard Puleston
Francis Strode
Ralph Flexney
Thomas Harris
William Payton

CHARTER-SCHOLARS.

Nicholas Brewin
Robert Ellis
Amias Hext
John Wolley
William Arnold
Walter Stonehouse
William Boswell
John Willis
John Flavell
Richard Tapper
Alexander Huish
George Hill
William Potter

PEMBROKE-COLLEGE.

MASTERS.

1624 **T** Thomas Clayton, *M. D.*
* 1647 **T** Henry Wightwick, *S. T. B.*
1647 Henry Langley, *S. T. P.*
1660 Wightwick restor'd
1664 John Hall, *S. T. P.*
1709 ——— Brickenden, *S. T. P.*

Pembroke
College.

BISHOPS.

1540	Edmund Bonner	<i>London</i>
1560	Thomas Young	<i>York</i>
1614	John Phillips	<i>Isle of Man</i>
1689	John Hall	<i>Bristol</i>

CHARTER-FELLOWS.

Thomas Godwin
Robert Payne
Christopher Tekdale
Nicholas Coxeter
Charles Sagar
Thomas Westley
Henry Wightwick
John Price
William Lyford
William Griffith

CHARTER-SCHOLARS.

John Lee
William Reade
Francis Dring
Richard Allen
John Bowles
John Grace
Thomas Millington
Humphrey Gwynne
Richard Kirfoate
George Griffith

ALBAN-HALL.

PRINCIPALS.

- 1437 **R**oger Martyn, *A. M.*
1438 Robert Ashe, *A. M.*
1444 John Gygur, *A. M.*
1450 William Sbyrefe, *A. M.*
1452 William Romsey, *A. M.*
1468 Thomas Danet, *S. T. P.*
Richard Fitz-James

1501 Hugh Saunders, *S. T. P.*
1503 John Forster, *A. M.*
1507 John Beverstone, *A. M.*
1507 William Byffe, *A. M.*
1509 William Walker, *A. M.*
1510 John Poxwell, *A. M.*
1514 John Hoper, *A. M.*
Simon Ball, *A. M.*
1527 Walter Buckler, *A. M.*
1530 Robert Taylour, *A. M.*
1532 William Pedyll, *A. M.*
1534 Robert Huyck, *M. D.*
1536 Richard Smyth, *A. M.*
1536 Humphry Burnford, *A. M.*
1543 John Estwick, *A. M.*
1547 William Marshal, *A. M.*
1567 Arthur Atey, *A. M.*
1581 Richard Radclyffe, *M. D.*
Robert Masters, *LL. D.*
Henry Masters, *A. M.*
1614 Anthony Morgan, *A. M.*
1620 Richard Parker, *S. T. P.*
1624 Edward Chaloner
1625 Richard Zouch, *LL. D.*
1641 Sir Giles Sweit, *LL. D.*

*Alban
Hall.***PRINCIPALS.**

- 1664 Thomas Lamplugh, S. T. P.
 1673 Narcissus Marsh, S. T. P.
 1678 Thomas Bouchier, LL. D.

BISHOPS.

- | | |
|-------------------------|-----------------|
| 1506 Richard Fitz-James | <i>London</i> |
| 1626 Francis Gough | <i>Limerick</i> |
| Narcissus Marsh | <i>Armagh</i> |
-

HART-HALL.**PRINCIPALS.**

- Hart-Hall.* 1360 **N**icholas Hawe, A. M.
 1378 Richard Tonworth, A. M.
 1381 Nicholas Wickham, A. M.
 1384 Thomas Cranleigh, A. M.
 1387 John Walter, A. M.
 1388 William Ware, A. M.
 1391 John Wryngton, A. M.
 1397 John Withnam, A. M.
 1398 Thomas Tynkelden, A. M.
 1399 Thomas Turke, A. M.
 1400 John Whyte, A. M.
 1405 Thomas Morant, A. M.
 1407 John Stone, A. M.
 1408 John Green, A. M.
 1410 Simon le Wryter, A. M.
 1411 William Andrews, A. M.
 1411 Gilbert Kymer, A. M.
 1414 William Payne, A. M.
 1416 William More, A. M.

PRINCIPALS.

- 1420 William Prenty, *A. M.*
 1425 John Gorfich, *A. M.*
 1426 John Heyth, *A. M.*
 1426 Richard Here, *A. M.*
 1428 Ditto Heyth
 1436 Michael Trewynard, *A. M.*
 1438 John Westlake, *A. M.*
 1441 Robert Carew, *A. M.*
 1441 William Sende *A. M.*
 1445 John Andrews, *A. M.*
 1448 Walter Windfore, *A. M.*
 1451 John Treganfon, *A. M.*
 1463 William Summayfter, *A. M.*
 1465 John Fermour, *A. M.*
 1468 Richard Mayoith
 1472 John Harrow, *A. M.*
 1478 Walter Cowse, *A. M.*
 1482 James Babbe, *A. M.*
 1486 Ditto Cowse
 1488 Richard Paynter, *A. M.*
 1495 — Trot, *A. M.*
 1496 William Glover, *A. M.*
 1501 John Rugge, *A. M.*
 1503 William Ewey, *A. M.*
 1506 John Parkhouse, *M. B.*
 1510 Thomas Mede, *A. M.*
 1514 Thomas Irysh, *A. M.*
 1522 John Moreman, *S. T. B.*
 1527 John Whyte, *A. M.*
 1535 John French, *A. M.*
 1541 Robert Bromhall, *A. M.*
 1544 William More, *A. M.*
 1545 Thomas Vivian, *A. M.*
 1549 Phil. Rondell, *M. B.*
 1599 John Eveleigh, *A. M.*

Hart Hall.

PRINCIPALS.

- 1604 Theodore Price, *A. M.*
 1621 Thomas Iles, *S. T. P.*
 1633 Philip Parsons, *M. D.*
 1653 Philip Stephens, *A. M.*
 1660 Timothy Baldwin, *LL. D.*
 1663 John Lamphire, *M. D.*
 1688 William Thornton, *A. M.*
 1707 Thomas Smith, *S. T. P.*
 1710 Richard Newton, *S. T. P.*
-

EDMUND-HALL.

PRINCIPALS.

Edmund
Hall.

- 1317 J^hhn de Cornwall
 1319 Robert Luck
 1325 J^hhn de Bere
 1351 — Thorp
 1381 William Hamsterley
 1385 Edward Upton
 1390 William Taylour
 1397 Henry Circester
 1399 Henry Rumworth
 1408 Henry Bermingdon
 1410 Peter Clerk, *alias* Payne
 1414 J^hhn Darley, *S. T. B.*
 1434 William Briton
 1438 J^hhn Thamys
 1461 Thomas Leigh
 1478 Richard Brooke
 1499 Humphry Wistow, *S. T. P.*
 1501 Thomas Cawse
 1502 William Patinson

PRINCIPALS.

- 1505 Christopher Fallowfield
1507 John Pyttys
1520 John Cuthbertson, S. T. B.
1528 Miles Braithwait
1530 William Robinson
1537 Ottewell Topping
1540 Thomas Peyrson, A. M.
1546 Ralph Rudde, A. M.
1569 Nicholas Cook, A. M.
1569 Nicholas Pullen, A. M.
1572 Phil. Johnson, A. M.
1576 Henry Robinson, A. M.
1581 Thomas Bowsfield, A. M.
1601 John Aglionby, S. T. P.
1610 John Rawlinson, S. T. P.
1631 Adam Agray, S. T. P.
1658 Thomas Tully, S. T. P.
1675 Steph. Penton, A. M.
1683 Thomas Crothwait, S. T. P.
1685 John Mills, S. T. P.
1707 Thomas Peirson, S. T. P.
-

ST. MARY-HALL.

PRINCIPALS.

- 1436 William Croten, A. M.
1438 Henry Sampson, A. M.
1445 Richard Wylcyer, A. M.
1450 John Smith, A. M.

St. Mary's

Hall.

P R I N C I P A L S.

- 1452 Henry Popy, *A. M.*
 1458 Thomas Parys, *A. M.*
 1469 Thomas Sadler, *A. M.*
 1499 John Taylour, *A. M.*
 1502 Richard Vaughan, *A. M.*
 1502 Richard Dudley, *A. M.*
 1506 Tho. Heretage, *A. M.*
 1511 William Brooks, *A. M.*
 1521 Richard Lorgan, *S. T. P.*
 1530 Robert James, *A. M.*
 1537 William Pye, *A. M.*
 1532 John Rixman, *A. M.*
 1543 Anthony Albon, *A. M.*
 1546 Morgan Phillips, *A. M.*
 1550 William Northfolk, *A. M.*
 1553 William Wood, *A. M.*
 1556 William Allyn, *A. M.*
 1560 John Raw, *A. M.*
 1565 John Horlock, *A. M.*
 1570 Richard Piggot, *A. M.*
 Thomas Philipson, *A. M.*
 1587 George Dale, *L.L. D.*
 1591 Ralph Bradwell, *A. M.*
 1632 John Saunders, *M. D.*
 1644 Nicholas Brooks, *A. M.*
 1656 Thomas Cole, *A. M.*
 1660 Martyn Lluefelin, *M. D.*
 1664 Jos. Crowther, *S. T. P.*
 1689 William Wyat, *A. M.*
 1712 John Hudson, *S. T. P.*

NEW-INN-HALL.

PRINCIPALS.

- 1438 **W**illiam Freeman
1444 Griffin Eberlow
1452 William Witley
1457 Phil. Burgavenny, *Dec. B.*
1460 Walter Pavy
1462 Edward Hanthington
1468 Lau. Cock, *Dec. D.*
1469 Dennis Hogan
1469 Phil. Welsh
1484 John Lythfield, *LL.D.*
1490 Rich. Carpenter, *LL.D.*
1497 Powtrell, *LL.D.*
1499 Rich. Bond, *Far. Can. D.*
1500 Christopher Wardhall, *LL.B.*
1503 John Lacy, *LL.B.*
1504 Richard Salter
1510 William Bulbow, *LL.B.*
1514 John Worthiall
1520 John Payne, *LL.D.*
1528 Roger Carew, *LL.B.*
1529 Thomas Barret, *LL.D.*
1529 Henry Wyght, *Dec. D.*
1530 William Roberts, *LL. B.*
1534 Row. Merick, *LL. B.*
1535 Ditto Roberts
1542 Rich. Richard
1545 David Lewes, *LL.B.*
1548 John Gibbons
1550 William Awbrey, *LL.B.*
1561 John Griffith, *LL.B.*
Robert Lougher, *LL.D.*
1570 Richard Bray, *LL.B.*

*New-Inn-
Hall.***PRINCIPALS.**

- 1571 Felix Lewes, *LL.B.*
- 1575 Ditto Loughier
- 1580 Dan. Dunne, *LL.D.*
- 1581 Edm. Price, *LL.B.*
- 1584 John Estmund, *LL.B.*
- 1585 Fran. Bevans, *LL.D.*
- 1586 Robert Crane, *LL.B.*
- 1593 John Ferrar, *A. M.*
- 1609 John Budden, *LL.D.*
- 1618 Charles Twisden, *LL.B.*
- 1621 Robert Lodington, *A. M.*
- 1626 Christopher Rogers, *S. T. P.*
- 1643 Christopher Prior, *S. T. P.*
- 1646 Ditto Rogers
- 1662 John Lamphire, *M.D.*
- 1663 William Stone, *LL.B.*
- 1684 Thomas Bailly, *S. T. P.*
- 1709 John Brabant, *S. T. P.*

BISHOPS.

- | | |
|----------------------|--------------------|
| 1541 Arthur Bulkley | <i>Bangor</i> |
| 1561 Richard Davies | <i>St. David's</i> |
| 1566 Hugh Jones | <i>Landaff</i> |
| 1576 William Blethin | <i>Landaff</i> |
| 1559 Rowland Merick | <i>Bangor</i> |

MAGDA.

MAGDALENE-HALL,

PRINCIPALS.

- R**ichard Barnes
1499 Edward Grove
1502 John Stokesley
1505 John Longland
1507 William Azard
1509 Richard Stokes
1511 John Kaley, *A. M.*
1526 Henry Wytzyng
1528 Robert Parkhouse
1529 Christopher Rooks
1532 John Burgess, *A. M.*
1535 John Green, *A. M.*
1537 Richard Engest
1541 Simon Parret, *A. M.*
1550 John Redman, *A. M.*
1553 Thomas Coveney, *A. M.*
1558 Adrian Hawthorn, *A. M.*
1570 Rob. Lyfter, *A. M. & LL.B.*
1602 James Huffee, *LL. D.*
1605 John Wilkinfon, *A. M.*
1643 Thomas Read, *LL. D.*
1646 Ditto Wilkinfon
1648 Henry Wilkinfon, *S. T. P.*
1662 James Hyde, *M. D.*
1681 William Levet, *S. T. P.*
1693 Richard Adams, *M. D.*

BISHOPS.

- John Stokesley
John Longland
1663 Jos. Henshaw
1668 John Wilkins

London
Lincoln
Peterburgh
Chester
GLO-

GLOCESTER-HALL.

PRINCIPALS.

- 1560 **W**illiam Stocker, *S. T. B.*
 1563 Thomas Palmer, *A. M.*
 1564 Ditto Stocker
 1576 Henry Ruffel, *A. M.*
 1579 Christopher Bagshaw, *A. M.*
 1581 John Delabere, *M. D.*
 1593 John Hawley, *LL. D.*
 1626 Degory Whear, *A. M.*
 1647 Tobias Garbrand, *M. D.*
 1660 John Maplet, *M. D.*
 1662 Byrom Eaton, *S. T. P.*
 Ben. Woodroffe, *S. T. P.*
 1712 Rich. Blechinden, *LL. D.*
-



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F I N I S.

The Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.
CONTAINING

- I. An Account of its Antiquity, past Government, and Sufferings from the *Danes*, and other People, both Foreign and Domestick.
- II. An Account of its Colleges, Halls, and Public Buildings ; of their Founders and especial Benefactors ; the Laws, Statutes, and Privileges relating thereunto in general ; and of their Visitors and their Power, &c.
- III. An Account of the Laws, Statutes and Privileges of the University, and such of the Laws of the Realm which do any wise concern the same ; together with an Abstract of several Royal Grants and Charters given to the said University, and the Sense and Opinion of the Lawyers thereupon.

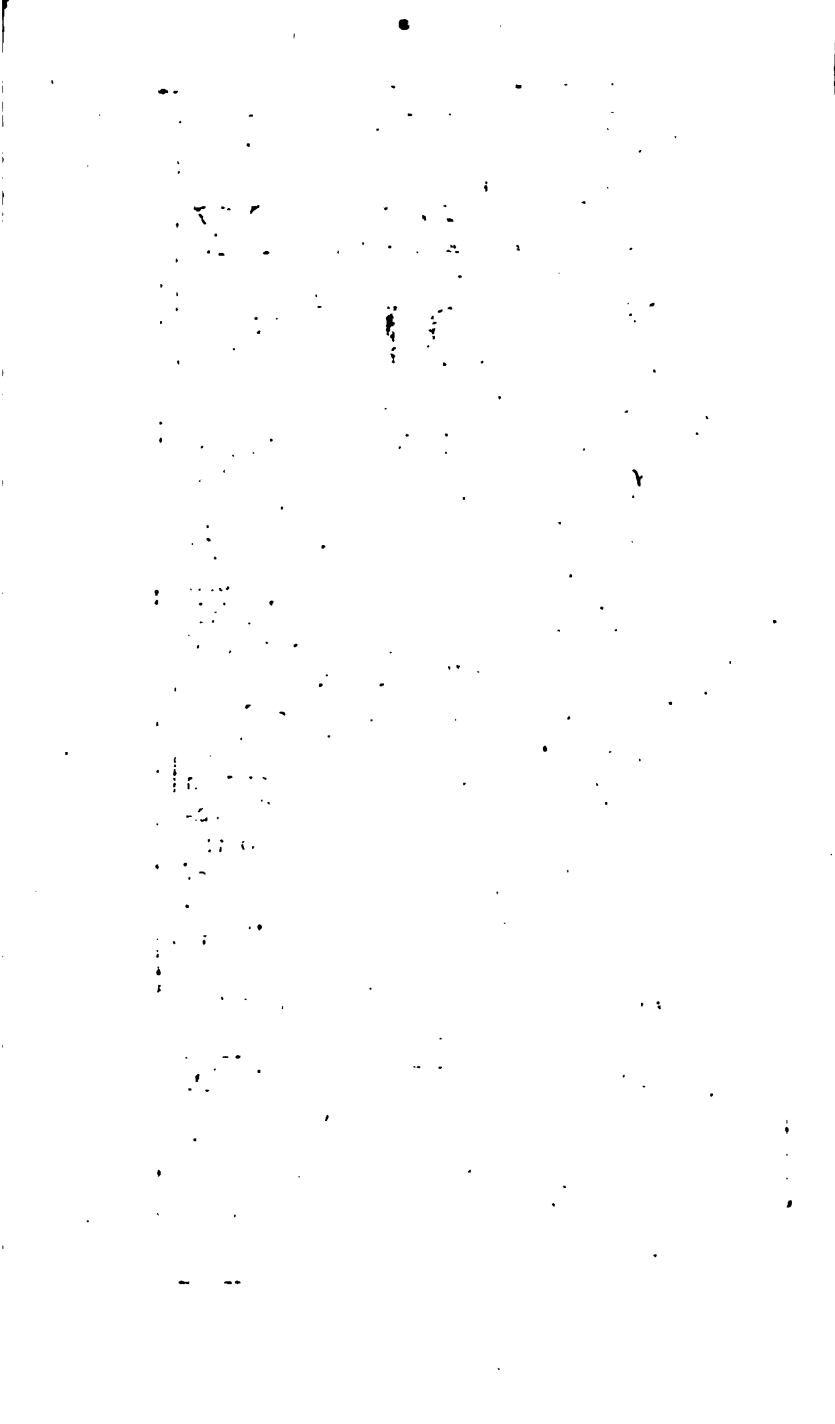
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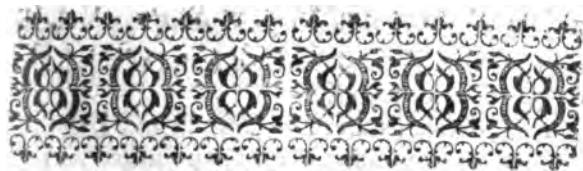
With an *APPENDIX* and *INDEX* to the whole.

By *JOHN ATLIFFE*, L. L. D.
and Fellow of *New-College* in *Oxford*.

V O L. II.

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THE
Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.

PART II.

CHAP. II.

*Of the Laws, Statutes and Privileges,
relating to Colleges in general, &c.*



PASSING from the Historical Account, which I have given of Colleges, Halls, and Publick Buildings, &c. I proceed, in the next place, to treat of the Laws, Statutes of the Realm, and Privileges relating thereunto in general : And herein I shall follow the Doctrine of the *Civil* and *Canon* Laws, as well

Vol. II. 23

as the Rules of the *Municipal* Laws of this Kingdom, in some respect.

In the Civil Law, the Fourth and Last Species of a Community or Corporation is, that which the *Civilians* call *Simplex Collegium*; and it is so called, because many Persons of the same Body and Community do cohabit therein; and

* *Gloss. in Rub.* as our Books say, *in eodem simul Colliguntur* * :
ff. de Coll. illicit. And herein a College, according to the under-
cit. Et Gloss. standing of the Civil Law, differs from a So-
in l. 1. verb. ciety ||; for, by the *Civilians*, that is called a
Collegium ff. Society, when the Community or Society do
quod cujusq; not cohabit: And here the Word *Body*, or *Cor-*
|| ibi etiam Gl. poration, is a *generical* Term; for it may pro-
in L. 1. ff. perly be so styled, whether the Members there-
quod cujusq; of do cohabit and live together therein, or not *.
Univers.
 * *Gloss. l. 1. in* *Bartolus* says, that *Collegés* have many Names
l. 3. Sect. à in Law; some are called *Societies* †; others are
Municip. ff. called *Fraternities*, and the Members of such a
de bon. poss. College are styled *Confratres*, in English *Con-*
 † *L. 1. in* *fryars* ||: And there are certain other Colleges
princ. ff. quod in the Civil Law, which are called *Sodalitia*, and
cujusq; from hence the Members of such a College are
 || *L. ult. ff. de* named *Sodales* *, or, what is the same with us
Coll. illicitis. in English, *Fellows*: And this last kind of Col-
 lege seems to be almost the same with those in
 our Two Universities, as I shall make more fully
 appear in the Sequel of this Chapter. But I
 shall speak of Colleges more particularly in this
 Place, in the known Sense, and common Un-
 derstanding of them among us here in *England*;
 as *Societies* erected and endowed by Liberal
 Founders and Benefactors, for the Advantage
 of Sound Religion, Learning, and good Edu-
 cation.

A College then, of which I am now speaking,
 and have principally to do withall in the ensu-
 ing Part of this Chapter, is a *legal* Body, or

Ch. 1. of the University of OXFORD.

Corporation, consisting of Three or more Persons, joined together in a Community, for the more comfortable Support and Maintenance of Religion and Learning in our two Universities: And being founded chiefly for Secular Purposes, viz. for a Learned Education of Youth, it is in our Law-Books deemed a Temporal, or Lay-Corporation; for altho' a College should be made up wholly of Spiritual Persons, that is, of Persons in Holy Orders; yet unless the End be also entirely Spiritual, it is no Spiritual, but a Lay-Corporation: And so it was declared in the Case of *Daniel Appleford*, a Fellow of *New-College*, to be the Opinion of all the Judges in *Dr. Patrick's Case* *. Nor is a College the more a Spiritual Corporation, because it is Founded *ad Orandum & Studendum*; for Prayer is the Duty and Business of every Person indistinctly, and so it is not the Sole and Particular End of the Foundation of any of these Colleges. But the *Common* and *Canon* Law disagree herein; for by the *Canon* Law, all Universities, Colleges and Schools of Learning, are Things Spiritual, and consequently subject only to the Care and Inspection of the Ordinary of the Diocese †: But of this Matter more at large hereafter.

* *Mod. Rep.*
pt. 1. pag. 84.
Lev. Rep. pt.
2: page 15.
2 *Roll.* 234.

† *Vid. Abb.*
Reb. & allon.

I define a College to be a legal Body or Corporation, because it is a Body framed by Policy and Fiction of Law; and for the same Reason it is also called a Body Politick; and the Persons, who are incorporated hereinto, are a Body formed to last and endure in perpetual Succession of Time: And thus every College, or a legal Body or Corporation, must have a legal Commencement or Beginning.

Now this Commencement or Beginning does not immediately flow and arise from the Gift of the Founder's Charity, but it has its Creation

and Being from some Act of Law, as either from some Royal Grant convey'd by Charter; or else by some Act of Parliament: for altho' the Founder may build the House, and endow the same with Lands and Possessions; nay, and appropriate those Lands and Possessions to certain Trusts and Uses; yet notwithstanding all this, until such Time, as the Law has made the Persons, who are to receive the Charity, to be a Corporation with a Capacity of taking, &c. the Founder cannot of himself give a Being and Existence to them as a College or Body Politick; But to this End, he must purchase a Royal License, or an Act of Parliament; for tho' antient Right or Prescription may confirm the Continuance of a College, when the Royal Charter or Record of Parliament is lost, whereby such College was at first founded; yet this Prescription in Propriety of Law, gives no Right in it self; but is only in affirmance of an antient Right, which such College was suppos'd to have had antecedent to the Loss of the said Charter or Record of Parliament: Nay moreover, tho' the King should give a Power to the Founder to name the Persons, and also to give a Name to his intended College, and a Power to make Laws and Statutes for the good Government thereof; yet when he has done all this, the College is not said to be made a Corporation by its Founder, but by the King or Prince, who grants it a Charter of Incorporation. And having thus prov'd a College to be a legal Corporation from the Manner and Form of its Commencement or Beginning, I proceed to shew, that this Body or Corporation must be fram'd and made up of three Persons (at the least) join'd together in a Community: And the Reason of this almost seems to speak its own Necessity,

*L. Nervatius
ff. de verb.
sign. L. sicut
h. ult.*

fity, without the help of any express Law to countenance it; because among Two Persons only there cannot be in *Fact* a major Part; and then, if any Disagreement should happen to arise between them, it cannot be brought to a good Conclusion by such a Number alone, in case both the Parties should firmly adhere to their dissenting Opinions; and thus it is declar'd by the Civil Law: But by the Canon Law it is known to be otherwise; for by that Law two Persons in Number may make and constitute a College, forasmuch as according to this Law two Persons constitute and make an Assembly or Congregation; and the Commentators have superadded another Reason, *viz.* a *Majoritas Dignitatis*, which in a Corporation consisting of two Persons only, must always give the Determination to the eldest of the two, and by this means he has ever the sole Power granted him; for the other has only a naked Suffrage without any Effect. The Common Law of England, or rather the constant Usage of our Princes in erecting aggregate Bodies, which has establish'd this Rule among us as a Law, has been herein agreeable to the Method and Doctrine of the Civil Law; for that in all their Grants and Charters of Incorporation of Colleges, they have not fram'd any aggregate Body, consisting of less than three in Number.

A College must also be *join'd together in Community*, that is to say, the Persons, who make up this Body or Corporation, must have all the Rights and Privileges of such Corporation in common to them all, or in certain Cases by their Representatives; they must have a common Treasury and a common Seal, by which Seal such College as a Corporation always acts and speaks; and as such, they not only enjoy

Bald. in Rub. c. pro socio. N. 3. L. fin. B. si duos. ff. de rec. arb.

Jo. de Im. Abb. in D. c. 1. de Elect. Mar. c. dicta Dec. 799. N. 3. Vol. 1.

the Goods and Possessions of it in common, but the Officers and Servants thereof, and the Nomination and Election of them in common, unless it be otherwise specially provided and taken care of by the Local Statutes and Ordinances of the College.

The last Part of this Definition of a College, *viz.* that it is founded for the more comfortable Support and Maintenance of Religion and Learning in our two Universities, does not only limit and confine the Subject of this Chapter chiefly to Colleges in the two Universities, which are all Eleemosynary Foundations; but it also distinguishes them from other *Species* of Colleges, erected for more vile and ignoble Purposes; as Colleges of Artificers, Merchants, &c. more frequent heretofore in foreign Parts of the World, and such as have no Endowments among us.

He is properly said to be the Founder of a College, or Hospital, who first erects and endows it by giving Lands and Possessions thereunto, for the Support of his Charity (and thus Dotation with us is as requisite as the Building of the House, to constitute the Founder) and not the Person who makes it a Corporation in Law: Which is clear and evident from hence, *viz.* that if it were otherwise, the several Kings and Queens of this Realm, by their granting of these Charters, would become Founders of most of the Colleges and Hospitals in *England*; which is contrary to the Judgment of the Lawyers in the Case of *Sutton's Hospital*, commonly known by the Name of the *Charter-House* in *London*; wherein it is said, that he, who builds the House and bestows the Lands and Revenues, is deemed the Founder thereof; and not the Person who makes it a Corporation by Grant of Charter.

Coke, 10 Rep.

And

And this Case of *Sutton's Hospital*, I have rather chose to mention here more especially, because it was well consider'd by the Judges, when they deliver'd their Opinions thereon, and is equally adapted to the present Matter in hand : And I must add another Reason too, because I would not have any College vainly ascribe the Honour of the Founder's Charity originally extended to it, to the Bounty and Munificence of other Persons, little more concern'd therein, than in granting a Charter of Incorporation, and a Licence to found and erect the same, and also to endow it with Lands and Possessions, &c. But yet some will have him, who only builds the House, to be their Founder, with whom I will enter into no List of Controversy.

If the King and a common Person give Lands and Possessions to such College at one and the same time, upon its Foundation, the King shall be said to be the Founder thereof, by reason of ^{44 Edw, 3.} his Eminence and high Prerogative in Law ; ^{24.} and also because it is one entire thing. But if a common Person founds a College with Possessions of a small Value, and the King afterwards endows it with greater Revenues, yet the com- ^{Coke's Instit.} mon Person shall be taken to be the Founder of ^{Part 2. p. 68.} it, and not the King.

Having given the Definition of a College, with which my present Business lies, and in some measure explain'd the same, I come in the next place (in the briefest manner) to enquire into the more essential and constituent Parts thereof, as it is a Corporation or Body Politick.

The first of these Essentials, viz. that a College as a Corporation must have a legal Beginning, I have already handled and examin'd :

4. Rep. 65.
Fulwood's
Case. Cro.
Eliz. 480.
Bird & Welf-
ford.

And the second is a Point so self-evident, that I need only mention the same, without any Endeavours to prove the Truth thereof in this Place, which is, viz. that there must be Persons to be incorporated, who in Judgment of Law never die : And therefore I shall proceed to the third ; namely, that every College must have a Name of Incorporation given to it.

For the Name of a Corporation is as the Name of Baptism to a natural Person ; nay, the Law requires more Certainty in the Name of a Corporation, than in the Name of any particular Person : When an Infant is born, he is presently a perfect Creature, and the giving his Name is not a Matter of Necessity, but Policy, for Distinction sake. But as to a Corporation, the Name is of the Substance and Essence of it, and without their Name they are but a Trunk. It was said in the Case of *Paschal* and *Mariol*, by the Lord Chief Baron *Manhood*, that three Things are only to be respected in the Name of such a Corporation ; 1st, The Names of the living Persons, who are the Name of the Corporation. 2^{dly}, The Name of the House or Place, where they make their Abode, or where they make their Building, &c. 3^{dly}, the Name of their Founder.

21 Edw. 4:
 12.

If the King incorporates a College by one Name, and afterwards incorporates the same by another Name ; such College ought to use their Name according to the second Incorporation ; and yet they continue their Possessions, Rights and Privileges, which they had by the other Name.

4^{thly}, There must be apt and proper Words for the incorporating of a College ; but we are not restrained to any certain and prescript Form of Words, and the Word *incorporo* is not necessary,

fary, nor the Words *fundo, erige, &c.* but it is enough, if there be Words of Incorporation sufficient in Law.

5thly, There must be some Place assign'd, in the Charter of Incorporation, where such College is to be founded or built; for a College is a *Local* Thing. And these are the chief *Essentials* of a College, as a Corporation; to which there are many Things incident without any special Grant or Prescription; for when a College is duly created, all other Incidents of a Corporation are tacitly annex'd to it, as it was resolv'd in the Case of *Sutton's Hospital* already cited, in their mentioning of several Particulars, as follow, *viz.*

First, A College is a sufficient Corporation, without the Words, to implead, or be impleaded, sue and be sued: Yet a College cannot *per se stare in judicio*, but ought to appear by its Syndick or Attorney; by whom the Body Politick is represented; and therefore a College in its Politick Capacity, by the *Civil* as well as *D.L. 2 & 3. H. quod cujusq; unius, &c.* Common Law, may be compelled to make and constitute a Syndick or Attorney by virtue of the Judges Office, against whom Creditors and others may have their Action; which Syndick or Attorney may defend the College, as a Corporation: And the Reason of this is, because a College is compared in Law to a Pupil or Minor. And, as in the *Civil* Law, when an Action is commenced against a Pupil or Minor, the Plaintiff ought to pray, that a Guardian or Curator be appointed and assign'd to such Person; so when an Action is brought against a College, according to that Law, the Plaintiff ought to pray the Court, that a Syndick be assign'd and appointed to such College; and it shall be imputed to the Plaintiff's Negligence, if he does not request it. *L. Rempub. C. de jure Reipub.*

Second-

Secondly, A College has a tacit Authority to purchase, take and enjoy, and also to act herein as a natural Body and as one Person; but yet under certain Restrictions and Limitations hereafter to be remembred, when I speak of *Mortmain*.

Thirdly, It is incident to a College to have a Common Seal; for when they are incorporated, they may make use of what Seal they please: And in Cases and Matters of Weight and Importance, this Seal ought to be made use of and affixed to all the publick Deeds and Instruments of such Body; for that it is then a good Presumption, that such College has lawfully sped and executed the Act contained and set forth in such Deed or Instrument, to which the Common Seal is affixed; and this gives it an undoubted Credit, unless the contrary thereunto be alledged and proved.

Fourthly, A College has a tacit Power of making any Laws or Ordinances, to oblige the whole Society of Members, in all Matters relating to the Honour and Welfare of the House; provided, that none of these be repugnant or derogatory to the *Local* Statutes, or contrariant to the Laws of the Realm in any respect: And altho' this be not of the Essence of a College, yet it is requisite for the Government and Administration thereof.

If the Head or President of any College devises any Lands, Tenements, &c. to his College by Will, and dies, such Devise is void in Law; for at the Time when the Devise should take effect, the College is without a Head, and by this means not capable to take; which was resolved by all the Justices upon good Advice taken thereof, in the Case of the President of

4 Part L. con. taken thereof, in the Case of the President of
Rep. p. 223. Corpus Christi College in Oxford.

If Lands or Tenements in Freehold be devised and given to a College, the Devise is for ever vested in such College ; and the Reason is, because the College cannot alienate the same, or such an Estate, without the help of an Act of Parliament: But if a Legacy, which is a Chattle, be given to a College, there ought to be Words in the Will, to support the Continuance and Perpetuity of such Legacy to the College ; otherwise it may be lost and sunk by the present Set of Fellows ; for they may think that such Legacy was given to them identically, and by these Means divide the same among themselves. And thus it is one of the principal Privileges of a College, that Legacies may be given by Testament unto them ; but as to a Gift of Lands and Tenements in Freehold, it is somewhat restrain'd by the several Statutes of Mortmain.

Griffith Flood, 25 *Eliz.* devises Lands in Fee to his Wife *Ann* for Life, and after to *Jane* his Daughter for Life, and after those Lives ended, to the Principal, Fellows and Scholars of *Jesus College* in *Oxford*, and their Successors, to find a Scholar of his Blood from Time to Time ; and dies. It was agreed *per Curiam*, that the Devise was void in Law, because the Statute of Wills did not allow Devises to Corporations in Mortmain ; yet it was held clearly to be within the Relief of the Statute of Charitable Uses, under the Words (*limited and appointed for Charitable Uses*) 43 *Eliz.* and so it was decreed, that the College should enjoy it against the Heirs of *G. Flood* : and it was held, that the *Proviso* in the Statute, which exempts Colleges, is only intended to exempt them from being reformed by Commission, but *Hob. p. 136.* not to restrain Gifts made to them.

The Statute made 1 & 2 *Phil.* and *Mary*, to make good Devises to Spiritual Corporations, was

was extended to *Trinity College* in *Cambridge*; The Reason was, because it was principally ordained for the Study of Divinity; but it would not have been so in a College for Physicians or Civilians. And the *Proviso* in the Statute for Colleges in the University, was *abundant Cautela*, as was ruled in *Porter's Case* for *Terry's* Will: And yet the Statute gives the King Power to change Superstitious Uses in such Colleges; so the Universal Decree of State was not to tolerate any Superstitions any where.

Hob. p. 123. The Master or Head of a College cannot devise or bequeath the Lands or Goods of his College: *Fitz. Nat. Br.*

If a Legacy be left to a College *in verbis singularibus & distributivis*, and afterwards the Number of this College be increas'd, the Legacy shall only extend to the Number in such College, when the Legacy was given: but if such Legacy be bequeathed in general and universal Terms, it shall comprehend all that shall be of such College at and after the Time of the Legacy given, without any Distinction or Difference: As for example, if an Estate be devis'd; or a Legacy given to the Warden and twelve Fellows of *Wadhams College* in *Oxford*, *in perpetuum*, and the Number of Fellows shall afterwards by some Ingraftment be increas'd; this Devise or Legacy shall only extend to the Number in being at the Time of the Devise made or Legacy given, and not to any other Number, which shall be ingrafted on or added to it, after such Devise made or Legacy given; for that it plainly appears, that the Devisor, or Person bequeathing only intended this Benefit for the Number of Fellows then existing at the Time of devising

L. 20. Sec. 1. or bequeathing the same: But if such Devise or *H. de an. Leg.* Legacy had been in general or universal Terms, as,

Ch. 2. of the University of OXFORD.

13.

as, I give and bequeath to the Warden and Fellows of Wadham College for ever, &c. it had extended it self to all the Fellows, which should be hereafter added or ingrafted on the present Number.

L. 41. Sect.
Test. H. de.
Leg. 3. l. 7.
H. de auro
arg. Leg.

Altho' Lands and Goods are often devised and given by Will to Colleges; yet they cannot be Executors of a Will, because as they are aggregate Corporations, they cannot prove the Will by Oath; yet they may be Executors in Trust: But it was adjudg'd in two Cases, which you may find in the first Part of *Roll's Abridgment*, That a Mayor and Commonalty may be made Executors, contrary to the Opinion of *Wentworth*.

P. 91, 919.

When a College presents to a Benefice or Living, it presents as a Corporation; and therefore such Presentation ought to be under the Common Seal of the College, and by the true Name thereof; otherwise it is a void Presentation: Nor wou'd it be sufficient, tho' all the Members thereof shou'd set their Hands and Seals privately thereunto; because a Corporation always speaks by its publick Seal.

A College may employ one in ordinary Services without a Deed, as to be a Butler, Man- ciple, &c. But no one can appear in an Assize as Bailiff to a College, as it is a Corporation, without a Deed. Nor can they send one to make a Claim to Lands, without a Deed. Nor can they make themselves a Seizure by their Assent, without a Deed or Warrant to one to enter for a Condition broken.

18 Edw. 4.

12 H. 7. 27.

9 Edw. 4. 39.

Coke, 4 Rep.
119.

In all legal Proceedings, that do any wise concern a College as a Corporation, it ought to be averred and alledged, that there is a Corporation, and what it is, and how it was erected; and the least that can be in any Case, is to say, that

Mod. Rep.
Part 3. p. 6.

that it is an antient Corporation erected by Grant, &c.

All Collegiate Acts ought to be sped and executed by the Consent of the Fellows, given in common Assembly, and not *singulariter*, and separately.

It has been a Question in the *Roman* Civil Law, whether in the Making and Framing of Collegiate Deeds and Instruments, the particular Names of the Persons of such Corporation, as are concerned therein, ought to be of necessity described and set forth in the same: But herein the Doctors are divided in their Opinions; for some think, that in all Corporations, both Secular and Spiritual, the particular Names of the Parties, consenting to any Act of the Community, ought to be expressly mentioned, that it may appear whether two Parts in three of such Community be consenting thereunto (for by this as well as by the *Canon* Law it is necessary to have the Consent of two Parts in three of the whole Body) but by the *Common* Law of *England*, (which Colleges follow herein) the greater Part of the whole is sufficient: Others think it not necessary, *circumscripto Sigillo*, thus particularly to express the Names of the Persons consenting; because the intrinsic Solemnity of the Common Seal supposes it, giving a strong Presumption thereunto; especially when there is the additional Strength of a Notarial Act to support the Credit thereof; and this last is the more prevailing Opinion in point of Practice.

I have said before, that every College with us is a legal Body or Corporation, which as such must have a Sovereign Power for the Government thereof; and this is generally lodg'd in the Head of such College, whose principal Duty it is, by some publick Minister or Servant of such

such Society, to call Collegiate Assemblies, to see that all Officers and Scholars do their Duty, and briefly to govern the College according to its Statutes; and not by his own Will and Pleasure, laying aside that of the Founders: A Practice too common in these Days.

In his calling together of these Assemblies, these things are to be observ'd, *viz.* First, there must be due Notice and Premonition given to the Fellows, in order to their meeting together: Which Premonition cannot be expressly defin'd, where the Local Statutes of the College have not ascertain'd the same; but must be left to the Discretion and Honesty of the Head or Master of the same, who may be corrected by the Visitor, if he be unjust and partial therein; and this Notice ought to be fram'd and adapted to the Nature and Circumstances of the Matter, about which they assemble and meet together: And without such lawful Summons the Fellows cannot come together, to do any Collegiate Act; and if they should assemble without such a Call, and proceed to do Business, the Act done would be void in it self; and the Persons thus met together, instead of being a lawful Convention, will be deemed an unlawful Conventicle, and their Acts reputed to be illegal Confederations and Conspiracies. If he refuse to do his Duty herein, being apply'd to upon lawful and reasonable Occasions, he may be compelled hereunto by the superior Power of the Visitor; for it is not in his Choice, whether he will have a Convention or not.

2dly, The Time of Assembling ought to be proper and seasonable for the Dispatch of Business, as in the Day, and not in the Night-time: for the Fellows are not obliged to meet for this End at all Hours, the Night-time being proper
for

for Sleep, and not for Business; nor are they bound to appear upon Conventions at the usual Times of Meals.

3dly, The Place where the Assembly meet ought to be consider'd, which ought to be within the Precincts of the College, and there too in the publick Places thereof; as in the Common Hall, Chapter-House, and the like; and not in private Chambers, &c. unless it be upon necessary and emergent Occasions, not concerning the whole Body.

4thly, The ordinary and usual Method and Token of Calling them together, after due Notice given, ought to be observ'd and followed, as by the Tolling of a Bell, the Sound of a Trumpet, &c. And if any Member shall wilfully or obstinately refuse to appear in the Assembly, after such Notice and Summons given, he may be punished for his Contumacy, either by Substraction of Commons, or by some other statutable Method, according to his Offence.

In the Absence of the Head from the College, his Deputy or Vicegerent may convene Meetings, and transact all Affairs of lesser Importance, with the Body.

Some Heads of Colleges, to advance an arbitrary Proceeding in themselves, have lately erected to their Use almost a Plenitude of Power, by assuming a Negative Voice in Elections, Grants, &c. notwithstanding the Statute of the 33 H. 8. Chap. 27. which I will here recite at length for their Conviction, and then shew the Sense of the *Civil* and *Common* Law therein. By the said Statute it is thus declared, viz.

“Albeit that by the Common Laws of this
“Realm of *England*, all Assents, Elections,
“Grants and Leases had, made and granted
“by the Dean, Warden, Provost, Master,
“Presi-

“ President, or other Governor of any Ca-
 “ thedral-Church, Hospital, College, or o-
 “ ther Corporation, by whatsoever Name they
 “ be incorporate or founded, with the Assent
 “ and Consent of the more or greater Part of *Dyer, 247.*
 “ their Chapter, Fellows or Brethren of such
 “ Corporation, having Voices of Assent there-
 “ unto, be as good and effectual in the Law to
 “ the Grantees and Lessees of the same, as if the
 “ Residue or the whole Number of such Cha-
 “ piter, Fellows and Brethren of such Corpo-
 “ ration, having Voices of Assent, had actual-
 “ ly thereunto consented and agreed : Yet the
 “ said Common Laws notwithstanding, divers
 “ Founders of such Deaneries, Hospitals, Col-
 “ leges and Corporations within the said Realm,
 “ have upon the Foundation and Establishment
 “ of the same Deaneries, Hospitals, Colleges
 “ and other Corporations, established and made
 “ amongst other their peculiar Acts, local Sta-
 “ tutes and Ordinances, that if any one of such
 “ Corporation, having Power or Authority to
 “ assent or disassent, should and would deny
 “ any such Grant or Grants, then no such Lease,
 “ Election or Grant should be had, granted
 “ or leased, and for the Performance of the
 “ same, every Person having Power of Assent
 “ to the same, have been and be daily there-
 “ unto sworn ; and so the Residue may not
 “ proceed to the Perfection of such Elections,
 “ Grants and Leases, according to the Course
 “ of the Common Laws of this Realm, unless
 “ they should incur the Danger of Perjury :
 “ For the avoiding whereof, and for the due
 “ Execution of the Common Law universally
 “ within this Realm, and every Place, in one
 “ Conformity of Reason to be used : Be it or-
 “ dained, established and enacted by the Au-
 “ Vol. II. B thority

"thority of this present Parliament, that all
 "and every peculiar Act, Order, Rule and
 "Statute heretofore made, or hereafter to be
 "made, by any Founder or Founders of any
 "Hospital, College, Deanery or other Corpo-
 "ration, at or upon the Foundation of any
 "such Hospital, College, Deanery or Corpo-
 "ration, whereby the Grant, Lease, Gift or
 "Election of the Governor or Ruler of such
 "Hospital, College, Deanery, or other Cor-
 "poration, with the Assent of the major Part
 "of such of the same Hospital, College, Dea-
 "nery or Corporation, as have or shall have
 "Voice or Assent to the same, at the Time of
 "such Grant, Lease, Gift or Election hereaf-
 "ter to be made, should be in any wise hin-
 "dred or let by any one or more, being the
 "lesser Number of such Corporation, contrary
 "to the Form, Order and Course of the Com-
 "mon Law of this Realm of *England*, shall be
 "from henceforth frustrate, void, and of none
 "Effect. And that all Oaths heretofore taken
 "by any Person or Persons, of such Hospital,
 "College, Deanery or other Corporation, shall
 "be, for and concerning the Observance of a-
 "ny such Order, Statute or Rule, deemed
 "void and of none effect. And that from
 "henceforth no manner of Person or Persons
 "of any such Hospital, College, Deanery or
 "other Corporation, shall be in any wise com-
 "pelled to take an Oath for the observing of
 "any such Order, Statute or Rule, upon the
 "Pain of every Person giving such Oath, to
 "forfeit for every time so offending $\frac{1}{2}$ the
 "one Moiety thereof to our Sovereign Lord
 "the King, and the other thereof to any of the
 "King's Subjects, that will sue for the same in
 "any of the King's Courts of Record, by Action
 " of

“ of Debt, Bill, Plaint, Information, or other-
 “ wise, wherein the Defendant shall not be ad-
 “ mitted to wage his Law, nor any Protection,
 “ nor Efloyn, or any other dilatory Plea ad-
 “ mitted, or allowed.

That the Mayor has no *Negative Voice* in the Election of an Alderman (as great and as absolute as he pretends to be) sufficiently appears in the Case of the King against Sir *Robert Atkins*, Knight of the *Bath*, and Recorder of the City of *Bristol*; wherein upon an Argument at Bar, this Negative Voice was denied to him, upon claiming the same in the Choice of an Alderman, who was elected to that Office in the Mayor's Absence: For if there can be no Election without the Mayor's Presence and Consent had, and he be wilfully absent or dissents thereunto, he is not only *Major Maximus*, but *Dominus fac. totum* (as the vulgar Saying is) or *Dominus faciens totum*; the Aldermen without him will be but as so many Cyphers, and the Mayor will be the great Figure, and the Aldermen will only signify in conjunction with him. It was objected herein, that the Power to elect an Alderman was given to the Mayor and Aldermen, or the major Part of them; and so *the Mayor by himself is particularly and expressly named* by the Name of his Office, and therefore is of the *Quorum*, without any other express making of a *Quorum*: But for a Solution hereof, I shall rather chuse to refer the Reader to the Case at large in the *Third Part of the Modern Reports*, than give it here, because it is long; yet I will observe, that the Mayor is named in the Grant merely out of necessity, it being Part of the Name of the Corporation to whom the Grant was made: And if this were a valid Election in the Mayor's Absence, (yet requested to be pre-

The Antient and Present State Part II.

sent) it would sure have been much more so, had he been present, and only dissented from the Majority in his Suffrage. This Case (I think) will hold good, and may be well compared unto Elections, &c. made in Colleges after this manner, viz. *In quem ipse Custos vel Magister, & Socii, vel Major eorum pars, &c. consenserit.* The wise Founder of *New College* has almost every where in his Statutes excluded the Warden of that Society by express Words from such a *Negative* upon his Fellows, well knowing how dangerous a thing it was to lodge so great Power in the Hands of any one Man; nay, the Founder is so far from giving this Excess of Authority, that he has not provided him with a casting Voice upon an Equality; but in such a case the Matter must devolve to the Visitor of the College for his Determination.

In the *Civil Law* we find no such thing as a *Negative* Suffrage entrusted with any one single Person: for in their Councils, which concern the Acts of Colleges or Corporations, the Consent of the major Part of the Counsellors assembled is sufficient, and in this case the Dignity and Authority of the *Decurios* is not considered or regarded, but the major Part simply prevails, and prejudices the lesser. *Vide Alexandri Consilia*, where he expressly says, *Quòd consensus populi, & sic majoris partis, in rebus agendis sufficit, licet Primates reluctentur & dissentiant.* And this Consent must be had and obtained in the Common Assembly, and in some publick Place belonging to such College or Corporation. But it is otherwise in Matters relating to many as Individuals, wherein the Consent of the Majority may be given separately, and not assembled as aforesaid. *Maranta*, in his Book of Practice, says, that in a Council there is one whose Business

Alex. Conf.
192. per tot.
Vol. 6. &
Conf. 40. n. 1.
Vol. 2. Dec.
Conf. 437. n.
3.

ness and Duty it is to propound Matters unto the Assembly met together, *five Caput, five Rector Concilii, five alius de Consiliariis, & interrogat an placeat talis reformatio, & ita postea reformatur & constituitur, prout placet Concilio.* And if the Rector or Head of the Council shall refuse to propose the Matter, upon a Motion and Request made to him, provided it be *de sano Consilio*, he shall be thereunto compelled by the Censures of the Prince, or his Superiors; so that he cannot by any obstinate Fraud of his own destroy the laudable and well-meaning Design of the Congregation or Council met together. Others will have it, that any Member of the Council may propose, upon the Rector's Refusal, if a Majority consents thereunto. *Roland. Conf. N. 13, 14.*

All Colleges in our two Universities of Oxford and Cambridge, are Corporations within a Corporation; for the two Universities themselves are antient Corporations, into which every College therein is respectively incorporated, either by express Grant, or of common Right; and does therefore become subject to the Chancellor's Jurisdiction in all Causes and Matters, whereof the Chancellor of each University has cognizance: And in such Causes and Matters they are to be impleaded in their own proper Court.

Indebitatus assumpsit was brought against the President and Scholars of *Magdalene College* in Oxford, for threescore Pounds for Butter and Cheese sold to the College. The Chancellor of the University demanded cognizance by virtue of Charters of Privileges granted to the University by the King's Progenitors, and confirmed by Act of Parliament; whereby, amongst other Things, Power is given them to hold Plea in personal Actions, wherein Scholars or other

privileged Persons are concerned, and concludes with an exprefs Demand of Cognizance in this particular Cause. *Baldw.* Their Privilege extends not to this Case ; for a Corporation is Defendant, and their Charters mention *privileged Persons* only ; and that their Charters are in derogation of the Common Law, and must be taken strictly. They make this Demand upon Charters confirmed by Act of Parliament : and they have a Charter granted by K. *Henry* the 8th, which is confirmed by an Act in the Queen's Time : But the Charter of the 11 *Car.* 1. (which is the only Charter that mentions Corporations) is not confirmed by any Act of Parliament, and consequently is not material as to this Demand ; for a Demand of Cognizance is *stricti juris*. But admitting it material, the King's Patent cannot deprive us of the Benefit of the Common Law, and in the Vice-Chancellor's Court they proceed by the *Civil* Law. If you allow this Demand, there will be a *Failure of Justice* : for the Defendants being a Corporation, cannot be arrested, they can make no Stipulation, the Vice-Chancellor's Court can issue no *Distringas* out against their Lands, nor can they be excommunicated. Precedents we find of Corporations suing there as Plaintiffs (in which the aforementioned Inconvenience does not ensue) but none of Actions brought against Corporations. *Maynard contra.* Servants to Colleges and Officers of Corporations have been allowed the Privilege of the University, which they could not have in their own Right ; and if in their Masters Right, *a fortiori* their Masters shall enjoy it. The Word *Persona* in the Demand will include a Corporation well enough. *Ch. J. Vaughan.* Perhaps the Words *atque confirmat, &c.* in the Demand of Cognizance,

zance, are not material: for the Privileges of the Universities are grounded on their Patents, which are good in Law, whether confirmed by Parliament, or not. The Word *Persona* does include Corporations: A Demand of Cognizance is not in derogation of the Common Law; for the King by Law may grant *tenere placita*, tho' it may fall out to be in derogation of *Westminster-Hall*. Nor will there be a *Failure of Justice*; for when a Corporation is Defendant, they make them give Bond, and put in Stipulators, that they will satisfy the Judgment; and if they do not perform the Condition of their Bond, they may commit their Bail; They have enjoyed these Privileges some Hundreds of Years ago. The rest of the Judges agreed, that the University ought to have cognizance. But *Atkyns* objected against the Form of the Demand, that the Word *Persona privilegiata* cannot comprehend a Corporation in a Demand of Cognizance, however the Sense may carry it in an Act of Parliament. *Ellis* and *Wyndham* said, if neither Scholars, nor privileged Persons had been mention'd, but an express Demand made of Cognizance in this particular Cause, it had been sufficient; and then a Fault, if there had been one, only in *Surplusage*, and a Matter that comes in by way of Preface, shall not hurt: And so the Demand was allow'd as to Matter and Form.

2 Inst. 536.

per Coke on

31 Eliz. ch. 7.

Mod. Rep.

Part 1. p. 163, .

164, &c.

Since a Fellowship of a College is only for a private Use and Design, viz. for Study, &c. it has been adjudged that a Fellow cannot bring an *Affize*; but as a Prebendary, he has two Capacities, *Sole* and *Aggregate*; for he is a Member of a Corporation aggregate, and has a sole Capacity in respect of his Fellowship: nor does a *Mandamus* lie for a Mastership, Fellow-

ship, or Scholarship of a College; for *Mandamusses* do generally respect Matters of a publick Nature and Concern, and a College is a private Society as the Inns of Court: And besides, for that they have their *Local* Visitors appointed them either by the Common Law of the Realm, or the private Statutes of the College, as will be seen in the next Chapter.

A *Mandamus* was granted to restore a Fellow of *New College* in *Oxon.* and upon the Return of the Writ, the Court would consider whether the Writ lay or not; and afterwards in *Hilary* Term, the 23d and 24th of King *Charles II.* the Case was argued on the Return by *Jones* for the Plaintiff, and *Coleman* for the Defendant; and a Return was made of their Foundation, that they were obliged to study so many Years, and then to take Orders; and that the Master and Scholars for Crimes enormous, scandalous and dangerous to the College, may expel any Fellow, and the Bishop of *Winton* shall be Visitor, and in case of Difference all Appeals shall be made to him and to no other: And *Appleford* having committed an Offence enormous, dangerous and scandalous to the College, and he being summoned and convicted thereof by the Warden, Sub-Warden, and thirteen Senior Fellows, was expell'd according to the said Statutes: Hereupon he appeal'd to the Lord Bishop of *Winton.* where the Sentence was affirmed. *Jones* took these Exceptions to the Return; first, It is not returned what the Offence was, so that the Court may judge whether this be a sufficient Cause of Expulsion; and they are not to expel for any Cause but for such as are scandalous and dangerous to the College; and of this the Court is Judge, as it was adjudg'd

judged in this Court, 1655. between *Box* and *Woolaston*. 2dly, They cannot expel but for enormous Crimes, and here it is return'd, that he was convict *de criminibus enormibus* without a *Dash*, and omitting the Letter *n* ; and *enormibus* without the Letter *n*, signifies nothing. And to the Matter it was argued, that a *Mandamus* well lies in the Case : This Court *Coke 2. Rep.* hath a Power to give Remedy by this Writ, 68. when there is no other Remedy for the same thing by an *Affize* or Action upon the Case to recover Damages. The Warden of the College may have an *Affize*, but a Fellow cannot, if the other Fellows will not join with him, and they are those who have injur'd and expelled him, and will not join with him for his Relief. A College is not a spiritual Corporation, and therefore can have no Remedy by an Appeal to the Ordinary ; and altho' the Founder appoints an Appeal to the Bishop of *Winchester*, and to no other, this cannot oust the Party injur'd of his Appeal to the King's Court for Justice. *Little. Sect.* A Custom, that if Goods be distrain'd, they 212. shall not be replevy'd, is void ; and the same of a Grant ; and so if a Man by his Will appoints, that all Differences between Executors and Legatees shall be referr'd to and determin'd by *J. S.* and no other, this cannot oust the Parties of their Right to sue at the King's Courts ; and for Presidents he cited *Dr. Widdrington's Case*, and *Dr. Patrick's Case*, in this Court. *Coleman* on the contrary supposing the Return ill, by the Exceptions taken to it ; yet if it appears to the Court that the Writ does not lie, the Plaintiff cannot have Reffitution ; and if it appears, that the Sentence of the Visitor is conclusive by the Foundation, the Founder may impose what Conditions he will on a Creature of his own making,

king, and if they will accept of the Charity, they ought to accept of it under the Conditions with which it is attended and obliged in its Creation ; and so it differs from the Cases put of a *Replevin*, &c. where there is a Law that directs what shall be done in the Case before the Grant, &c. 2dly, This is their private Society without any Influence on the Publick Weal or Government. He said that *Bagge's Case* was the first President for a *Mandamus* of this kind, and all their Instances are touching Offices, which concern the Publick, and the *Mandamusses* mentioned in *Ryley's Placita Parliamentaria* are not, that Letters Commendatory should be : And by *Bagge's Case* it does not appear, that any *Mandamus* was ever granted for Restitution to private Estates ; for if so, it may be well granted to restore a Person to his Estate or Land. 3dly, Colleges are Foundations of Bounty and Charity, and any Man may dispose of his Bounty and Charity as he pleases.

Hale and Twisden. Colleges are not spiritual Corporations or Foundations, but are private Societies, as the Inns of Court : And here it is said by *Hale*, that the Bishop is appointed, and no other ; he hath given a Sentence, then what has this Court to do with it ? This cures all the Faults of the Return. The Spiritual Court deprives a Man by Sentence, where they have Jurisdiction, the Cause of this shall never come in Question in any Temporal Court, in an *Assize* or otherwise, so long as this Sentence remains in Force, but the Temporal Courts are bound thereby. A *Mandamus* lies to a College, but upon the Return the Court is to judge whether it hath any Power or not in the Case ; and upon this Return it appears, that they have not any Power : To all which *Twisden* and *Morston* seem

seem to agree, *Rainsford* being silent ; and the Opinion of the Court thus appearing, *Jones* de-
 fr'd not to offer any other Argument, being
 ask'd the Question by the Court.

Mod. Rep.
 par. 1. p. 82.
Levinz. Rep.
 par. 2. p. 14.

A *Mandamus* was moved for to restore Doctor *Widdrington* to a Fellowship in *Christ-College* in *Cambridge*, which was oppos'd by *Jones*, because the Universities have Cognizance of Pleas by their Charters, and Colleges have their Visitors, and for this Reason no *Mandamus* will lie : But two Presidents were remembred to have been cited by *Arth. Trevor* in Dr. *Goddard's* Case of a *Mandamus* granted in such Case, one in the Time of *Edw. II.* and the other in the Reign of *Edw. III.* to which *Jones* said, that no *Mandamus* had been granted since : But Chief Justice *Foster* said, that one was granted about the End of Queen *Elizabeth*, or the Beginning of King *James's* Reign ; and upon this a *Mandamus* was granted : But the Court said, that if they return Matters proper for themselves to determine, this Court will remit the Matter to them : And in *Trinity* Term following a Return of the Writ was made, and some Exceptions taken to it upon a Misnomer of the Corporation, and a Day given to amend the Return ; and in *Mich.* Term following the Return was argued at Bar, which Return was of the Foundation of the College, and some of the Founder's Statutes, by which he appoints the Chancellor of the University to be their Visitor ; and on this it was solely insisted, that there being a special Visitor appointed by the Founder, this Court ought not to meddle in the Matter, but all Appeals ought to be to him, and not to this Court, be the Foundation (which was much controverted) Spiritual or Temporal ; and it was agreed, that if the Master of a College be wrongfully

Dyer Rep.
Dr. Canon's
Case.

Coke Rep. 7.
 42.

wrongfully ousted, an *Assize* will lie, but not if he be ousted by his proper Ordinary or Visitor; and as the King may give Licence to found a College, so he may give Power to make Laws for the Government of such College, and by these they shall be governed, and no other; and the Acts done by such Governors shall be intended *rite acta* and not examinable in this Court; and tho' it was objected, that this Court has Super-Intendency of all other Courts to hold them within their Jurisdiction, to which the Court agreed; yet since it appear'd not, that they had exceeded their Jurisdiction, they ought not to appeal to this Court; for if they should, the Matters of Colleges and particular Jurisdictions would be drawn to this Court; and if they are aggrieved, they ought to appeal to their Visitor; which if they had done, there would have been more Reason to hear them here; but to hear them now was to go *per saltum*, which ought not to be, for all Proceedings ought to be *per gradus*, as from one Ordinary to the next superior Judge, and not at first Dash to the *Metropolitan, &c.* And afterwards in *Hill. Term*, all the Judges deliver'd their Opinions, that a *Mandamus* did not lie on this Return: But that the Return containing many false and scandalous Matters touching the Doctors Reputation, the Court advis'd him to bring an Action on the Case for them as for a Libel, but would not relieve him by a *Mandamus*.

These two Cases I have recited more largely, because I shall have further Occasion of them in the next Chapter, when I come to treat of Visitors and their Power.

All Heads and Fellows of Colleges are Creatures of their proper Founders, and must be sub-
 ject

ject to the Rules, Limitations and Restrictions, which are prescrib'd by the Statutes of their several and respective Foundations.

By the Canon Law every Head of a College in Priest's Orders, in respect of his Society only, is said to have a Cure of Souls in such College, although not formally and expressly committed to him by any Statute thereof.

A College may be cited or summon'd by a Citation or Edict affix'd up in the Place, where such College or Body Politick has been accustomed to meet and assemble; and if in a College they shut their Gates against the Messenger, it may be affix'd on them, and the same may be done if the Messenger be hindred or prohibited to enter the College by any other Means. A College may also be summon'd by Proclamation made in publick Places of such College by reading the Citation openly. Colleges may also be cited in their common and publick Hall, when they are met and assembled together: But a Citation on the Person of their Syndick is not sufficient, that such College should be pronounced to be guilty of Contumacy, or to be *in dolo*; nor is it sufficient, that the Head or Chief thereof be cited, for his Contumacy shall not prejudice or affect the Corporation it self. And from hence it appears, that a College as a Body Politick may be cited two Ways, either *personally* or *ad Domum*; personally when a Citation is served and executed on the College assembled in Chapter or Council; *ad Domum*, when the citatory Schedule is affix'd on the Gates, or some publick Place thereof, so that it may reach and come to the Knowledge of the publick Body; and before a College can be assembled it cannot be contumacious, but if it refuses or delays to meet, it is otherwise. Every Member of such Society

Society in his individual Capacity, is cited either by affixing the Letters citatory on the College, or his Chamber-Door, &c.

By a Statute made in the first of *Will. & Mary*, for the abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths, 'tis enacted, that if any Head or Fellow of any College or Hall in either of the two Universities, shall neglect or refuse to take the Oaths thereby appointed, and before such Person or Persons as by any Act or Acts are authoriz'd to tender the abrogated Oaths, that then the Government or Fellowship of every Person so neglecting or refusing shall be void. And the abrogated Oaths were enjoyn'd by the 25th of *Charles II.* and the Fellows of Colleges *quatenus* Fellows were obliged to take them in the open Hall of every respective College, in the Presence of the Head thereof or his Deputy: And these Oaths must be taken before the Admission of such Head or Fellow, &c.

There is also another Oath, *viz.* the Abjuration Oath to be taken by all the Members of Colleges and Halls in both Universities, that are or shall be of the Foundation, being of or as soon as they shall attain the Age of 18 Years, and all Persons teaching Pupils in either University; and for Neglect or Refusal thereof every Person shall be *ipso facto* adjudg'd incapable, and disabled in Law to all Intents whatsoever, to have, occupy, or enjoy such Place, &c. in such College, Hall, &c. and the Profits belonging to any one hereby. This Oath is to be taken within three Months after the Admission of such Person into such College, Hall, &c. at one of the Courts at *Westminster*, or at the next general Quarter Sessions of the Peace, between nine and twelve in the Morning, paying only one Shilling for Entry thereof. All

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All Leases, Grants, and Conveyances, made ^{An. 13. cap. 10.} by the Masters and Fellows of Colleges, are within the restrictive Statute of *Eliz.* whereby they are disabled to make any Leases, Grants and Conveyances of any of their Possessions, other than for one and twenty Years, or three Lives, to be reckon'd from the making of such Lease, Grant or Conveyance, and this must be of Land usually demis'd, and the accustom'd Rent or more ^{Cap. 28.} must be reserv'd with all the other Qualifications in the 32^d of *Hen. VIII.* which see afterwards.

The Mischief before this Act of *Eliz.* was, that several Colleges made Deeds of Gift, long Leases, and colourable Alienations, &c. of their Lands and Possessions, to the great Prejudice and Impoverishing of their Successors, Leases having been made by some for an hundred, and by others for five Hundred Years to come, upon small and inconsiderable Rents reserved to them and their Successors, receiving to themselves large Sums of Mony, and other Gratuities for the Grant of such Leases, &c. So that hereby in Process of Time the Estates and Endowments of all Colleges must have been swallowed up, and in a Manner reduced to nothing. Therefore,

The wise Founder of *New College* in *Oxford* being sensible of this base and unworthy Proceeding among certain Colleges in his Time, has with much Prudence and Precaution not only prohibited all fraudulent Gifts and Alienations of his College Estates and Possessions both Temporal and Spiritual, to the Prejudice and Dishonour of all his succeeding Fellows, but has also limited and restrain'd all Grants and Leases by a *Local* Statute to a certain Number of Years, restraining Grants and Demises of Farms and Mannors to the Term of twenty Years, and those of impropriated Estates to the Term of
ten

ten Years only ; and has prohibited the Sale of Alienations thereof for Term of Life, unless in certain Cases in his Statutes express'd, enacting the same for his other College near *Winton*.

The Wisdom and Example of this great and excellent Man has been follow'd by other succeeding Founders herein. Yet by a Clause in the aforesaid Statute of *Eliz.* it is nevertheless provided and enacted, That this Act, nor any thing therein contain'd, shall be taken or construed to make good any Lease or other Grant to be made by any such College or Collegiate Church within either of both the Universities of *Oxford* and *Cambridge*, or elsewhere within the Realm of *England*, for more Years than are limited by the private Statutes of the same College. Provided always, That this Act shall not extend to any Lease hereafter to be made, upon Surrender of any Lease heretofore made, or by Reason of any Covenant or Condition contain'd in any Lease heretofore made, and now continuing, so that the Lease to be made do not contain more Years than the Residue of the Years of the former Lease now continuing shall be at the Time of such Lease hereafter to be made, nor any less Rent than is reserved in the said former Lease. And this Act is revived and continued by the two several Statutes cited in the Margin.

*Cok. lib. 4.
fol. 120. lib.
9. fol. 14.
Stat. 1. Jac.
1.25. 21. Jac.
1.28. Andersf.
Rep. par. 1.
fol. 65.*

By a Statute in the 18th of *Eliz.* Chap. 6. upon all College Leases, a third Part of the antient Rent shall be reserv'd in Wheat and Malt, after the Rate of six Shillings and eight Pence per Quar. for the best Wheat ; and five Shillings per Qu. for the best Malt, to be delivered at the Colleges, and in case it be not delivered, to pay for them after the Rate and Price of the best Wheat and Malt which shall be sold the next Market Day

Day before the Rent should have been paid ; and for Default of such Reservation the Lease shall become void ; and the Markets that are to set the Prices are *Oxford* for *Oxford*, *Cambridge* for *Cambridge*, *Windsor* for *Eaton*, and *Winchester* for *Winchester* College : And that all collateral Bonds or other Assurances hereafter made to elude or defraud the Intention of this Act shall be void in Law. And the same Wheat, Malt, or Money coming of the same, shall be expended to the Use of the Relief of the *Commons*, and *Diet* of the said Colleges, &c. and by no Fraud or Colour, let or sold away from these Colleges, and the Fellows and Scholars in the same, and the Use aforesaid, upon Pain of Deprivation of the Governor, and chief Rulers of such Colleges, Halls, &c. and all other thereunto consenting.

Provided always, That this Act or any thing therein contain'd, shall not extend or be in any wise prejudicial to any Lease to be made of a Barn, with a certain Portion of Tithes, rising, growing and being in the Parish of *Southweck* in *Sussex*, being Parcel of *Maudlin* College in *Oxford*, so that the Term demised in and by the said Lease exceed not the Number of Ten Years, from and after the Feast of *St. Michael* next coming ; any thing herein specified to the contrary notwithstanding.

Provided also, That this Act shall not extend to any Lease to be made by the President and Scholars of *St. John Baptist's* College in *Oxford*, to any Heir Male of *Sir Thomas White*, Founder of the said College, which Lease shall be made according to the Meaning of the Foundation and Statutes of the said College, of the Mannor of *Fisfield*, and no other Hereditaments.

In an *Ejectione firma* for Tithes, in the Case
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of *Kemp* and *Hollingsbrook*, on this Statute of *Eliz.* by which 'tis enacted, That no Masters or Fellows of any College in *Oxford* and *Cambridge*, &c. shall make any Lease for Life or Years of any Farm, or of any of their Lands, Tenements, or other their Hereditaments, to which any Tythes, arable Land, Meadow or Pasture, doth or shall appertain, unless the third Part at least of the antient Rent be reserved and paid in Corn for the said Colleges, &c. The Question was, Whether the said Statute shall be construed to extend to Leases of such extraordinary pecuniary Tythes, which are not natural, and paid in kind? And it was argued, That the said Statute is to be intended of Tythes in kind; and also of such things to be demised, which render Corn, Hay, &c. But the Tythes in *London*, which is the thing demised in this Case, render not any such thing, but only Money, according to the Decree made for Payment of Tythes in *London*, in the Reign of King *Edw. 6.* And tho' the Words of the Statute be (*other Hereditaments*) to which any Tythes, &c. yet the said Statute extends to Tythes in gross, but they ought to be such Tythes which are of such Nature as Tythe-Corn and Tythe-Hay: And *Ch. B. Manhood* held clearly, That of these Tythes a Lease is good enough, notwithstanding the Defect of a special Reservation, which is limited and appointed by the Statute; and by him a Lease of a House-Rent, Mill, Ferry, &c. are out of this Stat. And to the Tythes, notwithstanding the Words of the Statute (*any Tythes*); yet he conceived the Stat. ought to be intended of Tythes of Common Right, and not of such Tythes as those of *London* are, and if all the Parishioners prescribe *in modo decimandi*, viz. to pay a certain Sum of Money

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Money for or in lieu of all manner of Tythes, upon Demise of such a Rectory, such special Reservation is not necessary; for these are Tythes against *Common Right*, and no Tythes are within the said Statute but those which are annual; and therefore a Lease of Tythe-Wood is out of the Meaning of this Statute; for *non renovantur in annuum*. And he said, that upon a Lease of the Tythes of Cherry-Trees, a Rent ought to be reserved according to the Statute, and the Farmer may bring his Cherries to the Market, and buy Corn. Justice Shute to the contrary; for the Words of the Statute are general. Note, That this Lease was of the Rectory of St. Lawrence Jewry, belonging to Balliol-College in Oxford. There was another Matter moved in this Case, because the Lease, whereof the Action was brought, was made by Name of *Master or Guardian* and the *Fellows*, whereas the true Name of their College is *Master and Fellows*; and it was argued by Atkinson, that the same is not a Misnomer, which makes the Lease void, for (*sive custos*) are Words of Surplusage, and so it was held by the Court: In the Case of the Cooks, the Corporation was by the Name of *Master or Governors and Commonalty Mysterii Coquorum, &c.* and they made a Conveyance by the Name of *Master or Governor and Commonalty artis sive Mysterii Coquorum, &c.* and it was held good, as was this Lease.

7 H. 6. 13.

Plowd. 531.
20. Eliz.

Leon. Rep. pt. 1. page 19.

Yet notwithstanding the wholesome Provision made by the 13th of this Queen, there were evil Practices made Use of to defeat the Design of that excellent Statute by the granting of concurrent Leases; to cure this Mischief there was another Act made in the 18th of Eliz. whereby Colleges are restrain'd to make any concurrent Lease or Leases of any of their Lands or Possessi-

ons, until three Years within the Expiration of the former Term or Terms: And all Bonds, Grants, Deeds and Assurances whatsoever made, to elude the Meaning of this Act, are void, and of none Effect in Law. But by this Act it is provided and reserved, that *St. John's College* aforesaid may from Time to Time demise the Mannor of *Fisfield* aforesaid, with the Copyholds and Appurtenances, to every Heir Male of the said *Sir Tho. White* successively, according to the Form of a Lease made to *Ralph White*, Brother of the said *Sir Thomas*, and every Covenant made or to be made for the Performance of the same shall be good in Law, as if the Act made in the 13th of *Eliz.* Chap. 10. had never been made. But take this Part. of the Statute in its own Words, *viz.* ‘ And whereas *Sir Tho. White*, late Knight and Alderman of *London*, for Advancement of good Learning, hath founded one College in the University of *Oxford*, called *St. John Baptist's College*; and being seized of the Mannor of *Fisbyde* alias *Fisfield* in the County of *Berks*, did together with all other his Lands, Tenements and Hereditaments, give and assure the said Mannor, with all the Appurtenances, to the President and Scholars of the said College for ever. And nevertheless, the said *Sir Thomas White* having then one *Ralph White* his Brother living, and sundry Kinsmen, to whom by course of the Common Law his Lands might have descended, did devise and order, and by the Statutes which he provided for the said House, and by order of the now Visitor of the said College, it is ordain'd, That the said Mannor of *Fisbyde* al. *Fisfield*, with the Appurtenances, should be demised by the said President and Scholars for the Time being, to the said *Ralph*, for the

Term of 29 Years, if the said *Ralph* should so long live, and so it is intended, that from Heir Male to Heir Male of the said Sir *Thomas White*, new Devises should from Time to Time be made of the said Mannor with the Appurtenances, to every such Heir Male successively, for the Term of 29 Years, if such Heir should so long live, yielding to the said President and Scholars for the Time being, such Rent as now is reserved, with such farther Covenants and Conditions, as by the said Sir *Thomas White* or Visitor is agreed and appointed.

And whereas since the Decease of the said Sir *Thomas White*, the said Assurances to the said President and Scholars, in all or most part of the Lands, Tenements and Hereditaments of the said Founder, were found in some Respect imperfect, and insufficient in Law; and that thereupon the said *Ralph White*, to whom the Advantage of such Imperfection came by Law, did nevertheless take no such Advantage, but did willingly make perfect the said Assurances, according to the true Meaning of the said Sir *Thomas White* his Brother, accepting only one Lease of the said Mannor in such sort, as the said Visitor was appointed, with the Copy-holds and other Appurtenances of the said Mannor; for Remedy whereof, be it enacted, That the President and Scholars of the said College may from Time to Time demise the said Mannor, Copy-holds and other Appurtenances, to every Heir Male of the said Sir *Thomas White* successively, according to the Form of a Lease thereof already made to the said *Ralph*; and that every such Lease so to be made, and every Covenant made or to be made, for the Performance of the same,

shall be good in Law, as if the said Act made in the said 13th Year had never been had or made: Any thing in the said Act made in the 13th Year, or any other Act or Matter whatsoever to the contrary notwithstanding.

College Leases shall not be extended to be void by the Stat. of the 13th of *Eliz.* if made of any House, not the Capital House, nor above 10 Acres of Ground, in any City, Borough, or Market Town, or Suburbs thereof: But the same may be made as they might have been before the Stat. of the 13th of *Eliz.* Chap. 10. and so shall be good by the Stat. of the 14th of *Eliz.* Chap. 11. Sect. 17. *Crane versus Tylman.* For though the Stat. of the 13th of *Eliz.* Chap. 10. be general against all Leases and Grants, other than for twenty one Years, and three Lives of all the Possessions of, &c. yet this Stat. of the 14th of *Eliz.* which is shuff'd into an Act of Continuance of Statutes, enacts, That the 13th of *Eliz.* (naming it) shall not extend to any Houses in Cities or Towns, &c. but that the same may be granted, demise'd, &c. as they might lawfully have been; and as if that Stat. had not been made: So that Stat. sets all loose touching such Houses in Cities, as against the Stat. of the 13th of *Eliz.* and therefore that Stat. of the 14th of *Eliz.* Chap. 11. makes a new Law of it self for them, that no Lease shall be made of them in Reversion, which was not restrain'd by the 13th of *Eliz.* as appears by the 18th of *Eliz.* which provides for that Mischief not provided for before. Also the 14th of *Eliz.* Chap. 11. forbids Alienations of such Houses, except there be full Recompence given to the Church or College at the same time, so as with such Recompence they may alien in Fee, which was not permitted by the 13th of *Eliz.* Then comes

Hob. Rep. p.
269.

Chap. 11.

Chap. 10.

Chap. 11.

comes in the Stat. of the 18th of *Eliz.* which recites, that since the making of the 13th, divers Leases were made long before the Expiration of the former against the Meaning of the Stat. of the 13th, and enacts that all Leases made of Lands, whereof any former Lease was then in being, and not to be ended within three Years, *Ch. 6.* should be void; and that all Bonds and Cove- *Ch. 10.*nants for making Leases against the Intent of the 18th and 13th of *Eliz.* should be void; so that this Stat. toucheth not the 14th of *Eliz.* which permitted not in Reversion at all, nor was named or mentioned in this Statute.

A lease made by a College to begin at a Day to come, is made good by the Stat. of 14. *Eliz.* if it does not exceed the Term of 40 Years from the making thereof; for the Purpose of this Act was, that Colleges and the like shall [not] make Grants in Reversion, tho' but for a Year; and the Reason was, because by such Grants in Reversion they shall be excluded to have their Rent of the particular Tenants for the Time. But to make a Lease for twenty Years to one in Possession, and to make another Lease to another for twenty Years, to begin after the End of the former Lease, is good; for that one and the other do not exceed 40 Years comprized in *Popb. Rep. p. 9.* the Stat. *Thompson and Trafford.*

Now the Stat. of the 32 *H. 8.* Chap. 28. ordains certain Qualifications of Leases made by Ecclesiastical Persons, and Masters of Colleges and Hospitals are bound by it.

First, Such Lease must be made by Writing indented, and not by Deed or by Parol Agreement.

Secondly, Such Lease must begin from the Day of the Date of the Making thereof, or from the making thereof; but by the Statute of the

1st of *Eliz.* and the 13th, they must begin from the making, or from the Time of the Commencement.

Thirdly, If there be an old Lease in being at the Time of the making of such new Lease, it must expire, be surrendered or ended within a Year after the making of such new Lease, and such Surrender must be absolute and not conditional. But by the 18th of *Eliz.* the old Lease is to be expired within three Years next after the making the new Lease.

Fourthly, There must not be a double Lease in being at one and the same Time, the one for Years and the other Lives. The Words are for twenty-one Years, or three Lives, so as one or the other may be made, but not both: *Elmer's Case*. A Lease to J. S. for the Lives of his three Sons, is good and warranted against Colleges.

5 *Cok. Rep.*

Cro. Jac. p. 76.

14 *Eliz. Ch. 1.*

Fifthly, Such Lease must not exceed twenty-one Years, or three Lives, from the making of it, but it may be for a lesser Term, or fewer Years. A Lease for 99 Years, if one, two, or three Lives so long shall live, is good within this Statute.

8 *Rep. p. 20. b.*

Sixthly, It must be of Lands and Tenements, manurable or corporeal, out of which a Rent may be reserved, and not of things that lie in Grant, as Advowsons, Fairs, Markets, Franchises, Tythes, Toll, &c. out of which a Rent cannot be reserved; where Tythe and Land together are demised, rendering the accustomed Rent, the Successor cannot avoid the Lease in the whole, or as to the Tythes only; it must be good, or else Tythe in no Sense could be demised.

Vaugh. Rep.
204.

Seventhly, Such Lease must be of Lands and Tenements, which have most commonly been letten to farm, or occupied by the Farmers thereof by the Space of twenty Years next before the Lease made, or by the most part of twenty

twenty Years ; so that if they have been let for eleven Years at one or several times within the twenty Years next before the making of the new Lease, it is sufficient. But this seems not to be Law ; for the first Part of the Statute as to Leasing, seems to refer to a more ancient Time, and the latter Part of Farmers to 20 Years. The best Construction is, that it ought to be anciently, and also lately letten. And by *Vaughan* usually letten shall be intended Lands twice letten. *Inst. 44. b.* *Sid. Rep. 416.* *Vaug. Rep. p. 30.*

A Grant by Copy of Court-Roll in Fee for Life or Years, is sufficient letting to farm within this Statute : *Baugh and Heines's Case.* Land is accounted usually demisable, when it is always demised, whether by Indenture, Copy of Court-Roll, &c. as if it had been usually let at Will at Common Law rendering Rent : But it is not ancient Rent, where more is letten than was before : *Mountjoy's Case.* *Gr. Jas. p. 76.* *Rep.*

Eighthly, Upon every such Lease there must be reserved yearly, during the same Lease, due and payable to the Lessors and their Successors, &c. so much yearly Farm or Rent, or more, as hath most accustomably been yielded and paid for the Land so demised within twenty Years next before such Lease made. And if Land usually letten be demised with any other Lands, &c. tho' a Rent be reserved, which exceeds the Value of those Lands, and the old Rent ; yet such Lease shall be avoided by the Successor, and is not warranted by the Statute : For the accustomable Rent is not observ'd and reserv'd ; since Part was not accustomably letten, and the Rent issues out of the Whole.

Rep. 5 & 6.

If the accustomable Rent had been payable at four Feasts or Days in the Year, yet if it be reserved by the new Lease to be paid at one Feast, if it be reserved yearly, it is within the Stat.

The

5 Rep. 5.

The Reservation of eight Bushels of Corn is all one in Quantity, Value and Nature, and varies only in Words.

Cro. Eliz. 2.
815. 4. Rep.
119.

A Lease was made by *Corpus Christi* College in *Oxon.* reserving twenty two Shillings, and no Corn; whereas the ancient Rent was twenty two Shillings and four Pence. This Lease was void within the Stat. of the 13th and 18th of *Eliz.* *Dumport's Case*. If the yearly Rent be reserved, tho' the Harriot and other casual Services be omitted; yet it is sufficient; and so it was resolved in the Dean and Chap. of *Worcester's Case*; Harriots being no annual Rent. It must be *verus & antiquus redditus*. Therefore if the lessor reserves a lesser Rent for a Term, and afterwards the full Rent, it is not good; for it must be ancient Rent during the Term, and the Term and intire Term is all one and the same thing.

Kob. Rep.

If a College has two distinct Mannors that have been usually demised together, and one intire Rent is reserved for both Mannors, and these being out of Lease, the College may demise them severally; reserving Rents amounting in the whole rateably and good.

6 Rep. p. 37.

Ninthly, Such Lease must not be made without Impeachment of Waste; therefore if a Lease be made for Life to one, the Remainder to another for Life, the Remainder to a Third for Life, this is not good against the Successor, tho' but for three Lives, because the Remainders make the present Tenants punishable for Waste for the Time, 1 *Inst.* 44. But if a Lease be made to one during three Lives, this is good; for the Occupant shall, if any happen, be punished for Waste: And thus far of Leases made by Colleges.

The Master and Fellows of *Magdalen* College in *Cambridge*, convey'd the Land and Parcel of their

their College to Queen *Eliz.* against which they were restrained by Act of Parliament ; upon ¹³ *Eliz.* which Conveyance a Rent was reserved. The Master of the College accepts the Rent and gives a Receipt for it under his Hand, (not under the College Seal) this Acceptance of the Rent by the Master, shall not disable and conclude him and the Fellows to enter into the Lands so aliened ; for that this Body Politick is a Body aggregate of many, and the Master only by his Acceptance may not divest any Right or Interest which is in him and the Fellows, and conclude him (especially it being without a Deed) to enter into the same.

Coke 11. Rep.

1st Q. If the said Conveyance made to Queen *Eliz.* by the Master and Fellows of the said House, of Parcel of the Possession, after the Act of 13. of *Eliz.* was restrain'd by the said Act ? *Per Curiam* the Act of the 13th of *Eliz.* restrains the said Master and Fellows to convey the House to the Queen : Tho' the Queen is not named in the Act, she is within the Words, any Person or Persons, Body Politick, &c. and the Intent for the Preservation of Church and College-Land, &c. *2d Reason.* The Master and Fellows are disabled by the said Act to grant, and then if they are disabled, the Queen may not take of them.

2d Q. Admitting the said Conveyance was restrained by the Act of 13 *Eliz.* whether the said Act of 18 *Eliz.* had supplied the Defect of it, and made it perfect ? *Per Cur.* The Stat. of the 18th of *Eliz.* had not given any Vigour or Effect to the Grant made to the Queen ; for such Conveyances are made by that Act which is for Satisfaction of Debts and Sums of Money, or other good Consideration ; and this Grant to the Queen not being for any Debt, Sum of Money,

ney, or other good Consideration, it is out of the Letter of the Act, and the Rent was not payable till *Michaelmas*, and the Queen was compellable to grant in *April*. But admitting it had been for Satisfaction or Sum of Money, or other good Consideration, yet the Act of the 18th of *Eliz.* shall not extend to this Case, for they are disabled by an Act of Parliament in the 13th of *Eliz.*

Q. 3. If the said Fine and Non-claim for five Years shall bind the Right of the said College ? *Per Curiam* it shall not. The Fine doth not bind them. The Estate convey'd to the Queen was good, during the Life-time of the then Master or President, who was alive at the Time of the Fine levied, and could enter or claim during his Life (for so long it was good) but if the succeeding Master enters within five Years after his Death, this Entry shall avoid the Fine. *Magdalen College Case.*

Cok. 11. Rep.

If a College be without or wants a Head, it cannot make Claim, or continue Claim, because the Fellows have then no Ability or Capacity to sue any Action ; and a Grant so made to them is void, because the Body is not then compleat : But in that Case, if a Lease for Life be made, the Remainder to the Warden and Fellows of *Merton*, the Remainder is good, if there be a Warden elected during the particular Estate.

1 Inf. 3. a.

If by License Lands are given to the President and Fellows of the College of the Holy and Undivided *Trinity* in *Oxon.* this is good, tho' the President be not named by his proper Name, if there were a President at the Time of the Grant made ; but in pleading he must shew his Proper Name : And the Judges in the 13th of *Edward IV.* held the Grant good to a Mayor, Alder-

dermen and Commonalty, although the Mayor was not named by his proper Name, but in pleading he must shew it.

Upon an *Ejectione firme* the Plaintiff declared upon a Lease made by the Warden and Fellows of *All-Souls* College in *Oxon.* without naming any Name of the Warden; and, by the Court the Declaration was held good enough, and they relied especially upon the Book of 21 *Ed.* 4. 15, 16. where an Action of Debt was brought by the Dean and Chapter without any Christian Name, and the Writ was held good. And by *Anderson* it stands with Reason, forasmuch as the College was incorporated by the Name of Warden and Fellows, and not by any Christian Name, that they may purchase and lease by such Name, without any Christian Name, and may be impleaded, and implead others by such Name; and as the Fellows need not in such Case to be named by their Christian Names, no more ought the Warden; and 12 *Hen.* 4. 151. is, that if a Lease be made by Dean and Chapter in these Words, *viz. Nos Decanus & Capitulum*, the same Lease is void: which was granted by the Court in *Carter and Claycrade's Case.* 1 *Lev.* 307.

Merton-College in *Oxford* was incorporated by the Name of *Guardiani & Scholarium Domus sive Collegii Scholarium de Merton in Universitate Oxon.* and they afterwards made a Lease *per nomen Custodis Domus sive Collegii de Merton in Oxon. & Scholarium ejusdem Domus*; and four Variances were observed, 1st, *Guardianus*, 2^{dly}, The Sense was *per nomen Domus sive Collegii de Merton*, omitting the Word *Scholarium*. 3^{dly}, For in *Universitate Oxon.* the Lease was in *Oxonia*. 4^{thly}, *Scholares* was misplaced, for they come in the End, whereas in the Charter of Incorporation, they are named immediately after

after the Guardian. *Per Curiam*, the second Variance is Substance, for the Charter had baptized the College by the Name of the College of the Scholars of *Merton*; and they have made a Lease by the Name of the College of *Merton* himself, who in Truth was the Founder. But *Hobart*, p. 129. thinks this a hard Judgment, which he should have hardly given; for since they were named Scholars of the House in one Part of the Name, it must follow, that it was the House of the same Scholars, as the Burgeses of *Lyn* implied that *Lyn* was a Borough.

Aula Regina in Oxon. was incorporated by this Name, viz. *Præpositus & Scholares Aula Regina de Oxon.* and they make a Lease by the Name of *Præpositi, Sociorum, & Scholarium Aula vel Collegii Regina in Universitate Oxon.* in which there are three Additions, (*Sociorum*) (*vel Collegii*) (*Universitat.*) and one Alteration, viz. *de for in*, yet it was resolved to be good enough, and the College is nominated in such Case, as it might well be distinguish'd. *Ayre's Case.*

Cok. 1. Rep.

King *Henry VIII.* incorporated the Scholars of *Trinity College* in *Cambridge*, by the Name of Master, Fellows and Scholars, *Collegii Sanctæ & Individuæ Trinitatis* in the Town and University of *Cambridge*; and in the first of *Edw. VI.* they made a Lease by the Name of Master and Fellows of *Trinity-College* in *Cambridge*, leaving out the University. *Telverton* argued, that this was a void Lease, as if it had been made by the Master and Fellows of *Trinity-College* in the Town, and left out the University of *Cambridge*, it had been void. *Walter contra*, who cited the Opinion of the Lord *Popham* in *Burton's Case*, that a Corporation cannot be limited to a County, as *probos homines* of such a County; but it ought to be restrain'd

strain'd to some certain Place; besides, the University is not local but personal, as King Henry III. intending to keep a Parliament at Oxford, directed his Writ to the Chancellor and University of Oxon. commanding them that they remove the University to such a Place till the Parliament should be ended, and afterwards sent his Writ and willed them to return; so that by this it appears, that the University is a Personal and not a local Thing; for if it were a Place it could not be removed. The Lord North's Case was this, Christ-Church in Oxford was incorporated by the Name of the Dean and Canons of Christ-Church in Oxon. and they made a Feofment by the Name of the Dean and Canons of Christ-Church in the University of Oxon. and it was adjudg'd a good Feofment, &c.

2. Brownl.
Rep. 243.

But this Case of the Dean and Chapter of Christ-Church is more fully reported in my Lord Chief Justice Popham, p. 56. under the Name of Button and Wrightman's Case.

The Dean and Chapter of Christ-Church in Oxon. were incorporated by King Henry VIII. by his Letters Patents, by the Name of Dean and Chapter of the Cathedral Church, &c. in Oxon. of the Foundation of K. Henry VIII. and so to be called for ever. The Dean and Chapter being seized of an House and Land in Fee *in jure*, &c. by the Name of the Dean and Chapter *Ecclesie Cathedralis Christi in Academia Oxon. ex Fundatione H. 8.* enfeoffed the Lord North by Deed, dated 1 Ed. VI. the Plaintiff claimed by Lease under Queen Eliz. and in a special Verdict it was found, that the City of Oxford and the University of Oxford were all one. Per Popham, Gawdy and Clench, this is not such a Misnomer as shall make the Feofment void; for suppose it had been *Decanus & Capitulum Ecclesie*

eclesie Cathedralis Christi in Civitat. Oxon. it had been good, for *Oxon.* and *Civitas Oxon.* are one and the same thing. And by *Popham* the Place of a Corporation may be well resembled to the Sur-name of a Man; and it is not good to say Mayor and Commonalty, Dean and Chapter, without saying of what Place. And in the Case of a Corporation 'tis sufficient to have a just Demonstration of the Place where the Corporation is, altho' it be not by the precise Words comprized in the Charter. And the naming *Academia Oxon. pro Villa Oxon.* is good, because it tends but to a particular Place, as a City, Town, &c. But to erect an Hospital by the Name of an Hospital in the County of *Surry*, or in the Bishoprick of *Winton* is not good, because he is bound to a Place too large and uncertain; but a College erected in *Academia Oxon. vel Cantab.* is good for the Reason aforesaid.

Action on the Case against *Hawkshead* for taking Toll for Passage over the West End Bridge of *W.* and shews for Title the Letters Patents of King *Henry VI. anno 2do regni* to the College of *All-Souls* in *Oxford*, for them, their Tenants and Farmers, to be quit of Toll, and conveys himself as Farmer to the College; yet the Defendant for such a Time had taken Toll of him against the Form of the Patent, &c. The Defendant pleaded in Bar the Statute of the 28th of *Hen. 6.* of Resumption of all Liberties and Franchises formerly granted by *Hen. 6.* The Plaintiff by Way of Replication pleaded the Statute of the 4th of *Hen. 7.* by which all the Patents granted by *Hen. 6.* to this College, are made good, the Statute of the 28th of *Hen. 6.* notwithstanding. The Defendant demurred, this is no Departure; for there is no new Matter contained in the Replication, other than what

was in the Declaration ; for the Title of the Plaintiff still remains upon the Letters Patents, and is one Title in one and the other. *Wood and Hawkhead.*

Yelv. 13, 14.

Although these Colleges by their Foundation have not any Jurisdiction or commanding Power, yet nevertheless they have always a restraining Authority given them by their Statutes and Privileges ; which Authority is sometimes without and sometimes with a Limitation ; but when it is without any Limitation or Restriction, it is left unto the Wisdom and Discretion of the Head and Governing Part thereof ; and this Power ought to be used and exercised with the same Tenderness and Moderation as a wise Father would exhibit in the Chastisement and Correction of his Children, and not with Rigor and Cruelty. Altho' Heads and Governors of Colleges are invested with this Power of correcting and punishing their Fellows and Scholars, yet this ought only to be understood in light Matters, and for such Crimes and Misdemeanours alone as are express'd in their *Local Statutes*, or deducible from thence, according to the Exigency of the same ; but they cannot proceed and correct as the Magistrate doth, by the Prince's Commission and Authority.

In all Colleges, if the Question be concerning any thing which is common to the Fellows in particular, and as a Part from the Community, as a Chamber, &c. the express Consent of every one of them is therein particularly necessary : But if the Question be concerning that which is common to them all jointly and indivisibly ; It is sufficient, if the greater Part of them concur in the same Opinion ; for they bind the rest ; provided always, that nothing be ordained or decreed contrary to the College Statutes

legally establish'd, or the Laws of the Realm.

Thus the College-Statutes and the Laws of the Realm standing entire, the greater part of the College may make Decrees and Ordinances for the publick Welfare, which shall oblige the lesser Part altogether, and every Fellow in particular : And thus also may all Acts and Decrees, which have pass'd the Consent and Approbation of the whole College, be repealed and abrogated by the greater Part, or according to the *Civil* and *Canon* Law (as already noted) by two Parts in three of the Body assembled.

A Person chosen by a College to treat of and conclude Matters common to the whole Society, shall bind every particular Fellow thereof, if such Agents Commission be *cum nuda relatione* to the College : But sometimes he is only deputed to treat and debate Matters, and then to make a Report of his Proceedings to the College it self, whereby he concludes nothing without the exprefs Consent of the Body.

If there should be a Statute made, which requires the Consent of every individual Fellow in Matters relating to the College in general, such Statute would be null and void from the Beginning ; for if that might take Place, every particular Fellow by himself alone might impeach and hinder the wisest Decrees and Resolutions of the whole Society ; which is contrary to the formal Disposition of the Law, requiring that in all Acts touching a Corporation, the Judgment of the greater Part should prevail over the lesser : And such a Majority may give Laws to all the Fellows in particular, whether the rest of them be there present or not ; for 'tis not necessary they should all be present for this End, and that especially in Matters of light Importance, &c. so that they be all summon'd thereunto. This

Consent

Ch. 2. of the University of OXFORD.

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Consent of the greatest Part must be had and given in the common Assembly of the College: For tho' all the Fellows should separately and apart agree unto any thing common unto them all, yet such Act of Agreement is not effectual or valid; no, not altho' it should be done in the Presence of a Publick Notary: For that is not done by the College, which is executed by the Fellows singly. Not is it sufficient that the College be assembled, unless the Act be sped in due Time and Place: For the Fellows are not bound to assemble at all Times and in all Places, as I have intimated already.

But in a Corporation within a Corporation this common Consent of the major Part does not always oblige, nay never does proceed, where there are Persons acting under different Characters, Denominations and Capacities, unless an uninterrupted immemorial Custom, or some Statute, has rendred it otherwise, by requiring only common Consent: and in confirmation hereof, I will cite a Case of my Lord Dyer's Reports, pag. 247. A. where 'tis said, That the Warden, three Bursars, five Deans, and five Senior Fellows of *New College in Oxford*, have Authority given them by the peculiar Statutes of the House, to dispense with the Absence of a Fellow above the Space of two Months, to the Observation of which Statute they all take an Oath. The greater Part of them granted and assented unto such Dispensation, and the Residue deny'd it. It was adjudg'd by the Opinion of the two Chief Justices, the Chief Baron, Justice *Whyddon*, *Brown* and *Weston*, that this is not a good Dispensation or Leave of Absence; for that it is out of the Case of the Statute of the 33d of *Henry the 8th*, Chap. 27th, which extends to Grants of Leases and other

Grants and Elections made by the greater Part of the whole Number of the Corporation, and not to any particular Number, as the Case is here: *Vide ante* of Negative Voices, Page 16.

By the *Civil* and *Canon* Law, a Person cannot be a Fellow in two Colleges at one and the same Time; which is to be understood, when the Studies and Exercises of one College do thwart and impeach his Studies and Exercises in the other; and especially if these different Colleges have no Subordination the one to the other: for it may happen that he may be summon'd at one and the same time to these different Colleges, and he cannot serve both. *Abbas super 3. Decretatum, Cap. 14. Num. 4.*

A College is presum'd to be an Ecclesiastical Body or Corporation (as has been said) according to the *Canon* Law, if the Number of *Clerks* be equal to or greater than that of the *Laicks*; and if not, it is confessed to be a Lay-Corporation: And no doubt our wise Founders of Colleges in our two Universities intended to make their Foundations as much Ecclesiastical as in them lay, as appears by the Style and Dispensation of their Statutes, which follow the Model of the *Canon* Law, for the most part, and square best with it. Colleges erected for Learning within this Realm of *England* indeed were never accounted (as I can learn on the best Search I am able to make in our Law-Books) to be of Ecclesiastical Commencement, or subject entirely to the Disposition of the *Canon* Law. Popes as well as Princes (it is true) have confirm'd the same by their Grants, and by this means have attempted to bring them under the Dominion of the Church: But their Papal Bulls have ever been disallowed in our Courts of Law, as favouring of an usurp'd Jurisdiction; which

which they came into through the Weakness of some of our Kings, and the Broils they met with both at home and abroad : And thus it happen'd, that the two Foundations of *New College* and *Maudlin's* in *Oxford* were confirm'd and establish'd by Papal as well as Royal Authority, their two Founders dreading the Consequences of the Pope's future Greatness here in *England*. By a memorable Commission in the Reign of Queen *Elizabeth*, occasion'd through the Appeal of *William Wilson* to the Court of *Arches*; from the Determination of the Bishop of *Lincoln*, the Local Visitor of *Lincoln College* in *Oxford*, it was adjudg'd on the Petition of the Chancellor, Doctors, Masters and Scholars of this University, in the behalf and for the Preservation of their Liberties, Privileges, Exemptions, &c. that all Colleges within the two Universities of *Oxford* and *Cambridge* were Lay Corporations, and that it was in no Founder's Power to subject them to a spiritual Jurisdiction ; it being urg'd on the Part of *Wilson*, that the Bishop of *Lincoln* was Visitor of that College only of *Common Right*, and not by any Appointment of the Founder ; and consequently there being no Papal Exemption from the Power of the Diocesan, it must by Appeal from him devolve to the Arch-Bishop, and his Official, *jure Metropolitico*. This Case happen'd in the Business of an Election to the Rectorship of this College, wherein *Wilson* was by the Arch-Bishop of *Canterbury* recommended to the Choice of the Fellows, and therefore probably the Archiepiscopal Power by way of Appeal was thought on for the Confirmation of *Wilson's* Election, in opposition to that of *John Underhill*, Fellow of *New College*, and Rector duly Elect of *Lincoln*, who was recommended to the So-

ciety by the Earl of *Leceister*, then Chancellor of the University. Those who have endeavour'd to render Colleges Ecclesiastical Corporations, have supported their Opinions in the following manner: *First*, they say, that they are in Law to be accounted Ecclesiastical Corporations, because the Fellows thereof are called *Clerks*, and therefore their Study is Theology; and the Statutes of the College are, that they must enter into holy Orders, and so every College is of a spiritual Foundation. *Secondly*, Colleges are governed as other Ecclesiastical Corporations are, 8 *Aff. Pl.* 29, and 31 3. *Thirdly*, That a Thing of an Ecclesiastical Nature may be annex'd unto a College, as an Impropriation, &c. And *Fourthly*, That Colleges are in several Acts of Parliament reckon'd among spiritual Corporations, as in the 13th of *Eliz.* Chap. 10, &c. In answer to the first Objection, it is affirm'd by *Bodin*, in his Review of the Council of *Trent*, by *Selden* in his Dissertations on *Fleta*, and many other excellent Lawyers, Historians, &c. that *Clerks* and *Scholars* are only synonymous Terms. And this appears from the principal End of the Foundation of our Colleges, *viz.* Study and a Religious Education (as has been already remembred in the Beginning of this Chapter.) And *Cambden*, in his *Britannia*, p. 381. says, that Places of Learning were in antient Time called *Studia generalia*, for that they were designed *pro bonarum literarum studiosis; ad studendum & orandum*. I shall proceed on the first as it chiefly has a Relation to *Clerks* and *Scholars* maintain'd and nurs'd up in these Societies, as by experience we see has always been in Human Learning principally, such as Logick, Philosophy, Mathematicks, &c. So that there is a plain Distinction to be made between

tween Colleges in the University, and Religious Houses : And *Stow*, in reckoning up all the Colleges in both Universities, and their Foundations, shewing some originally founded for *Grammar*, others for *Logick*, and others for other Sciences, reckons none of them barely for Ecclesiastical Matters. *Lindwood*, 155. *Cap. de Magistris*, says, a College is only *Habitaculum Scholarium* ; and 161. *Cap. de Hereticis verbis ipsius loci*, where treating of the Jurisdiction of the Ordinary in punishing Hereticks, he puts this Question, What if the Place be *non habens Ecclesiam parochialem, qui est locus Religiosus vel Collegium, aliusve locus qui non subest Ecclesie parochiali* ? So that *Collegium*, which is a Habitation for Scholars, is a Place distinct from *locus Religiosus* : And in truth, if we observe the Foundation of all Religious and Ecclesiastical Corporations and Societies, no one was ever seen, whose End was *ad studendum* ; their Design was either to pray for the Souls of Men departed this Life, or to observe such and such Canonical Hours, according to such and such an Order, their Mattins, Vespers, Compline, and other solemn Offices tending to Divine Worship, which was already provided to their Hands, and such as Men of little or no Learning might perform. They might contemplate upon what was already invented, studied and agreed on, but not to excogitate new Matters in Religion : In short, they went on in a Circle, and where they left off at Night they began the next Morning ; they were not enjoin'd *ad studendum*, but *ad celebrandum divina*. It is true, some Members of such Corporations and Foundations have been Students, and have written learned Tracts, and have profited much in the liberal Arts and Sciences ; but they were not

Raym. Rep.
p. 108.

commanded by the Rules of their Societies so to do; for 'tis not Study, but the entire End of celebrating of Divine Worship, that makes an Ecclesiastical Corporation. For suppose a Man should erect a Society, and direct that it should be to study the Schoolmen or the Fathers, to enable them in the Polemical Parts of Theology, or to paraphrase or make a Comment on the Bible, as the *Schola Conimbricensis* did upon *Aristotle*, this wou'd not be a spiritual Corporation; for that the Spirituality consists in *celebrando divina & fungendo divinis officiis*, and not in *studendo*. *Ad orandum* is no more than what is imply'd; for Prayer must be concomitant with all Studies: A Lawyer, by my Lord *Coke's* Rule of *Quatuor orabis*, may be as well an Ecclesiastical Person, if *ad orandum* wou'd render him Ecclesiastical. It may be said of this Word *ad orandum*, as *Lindwood* expounds the Words of *circumspectè agatis de mortali peccato*. 1st, Says he, *non intelligas de omni peccato mortali, sed de tali cujus punitio de sui naturâ spectat ad forum Ecclesiasticum*; for if the Church should take cognizance *de ratione cujuslibet peccati mortalis*, *periret gladii temporalis jurisdictio*; for that every evil Act would have somewhat of mortal Sin in it: So if the Injunction of saying ones Prayers wou'd make a Corporation spiritual, none of those, which are without doubt Lay-Hospitals, but in their Creation wou'd be spiritual. Nay, in *Pitts* and *James's* Case Prayer for Souls was enjoined, and yet the Hospital was Lay. Antiently a Spiritual Corporation was not chargeable with Subsidies, nor taxed among the Laity. Now a College in the University, and likewise the Colleges of *Eaton*, *Westminster*, and *Winchester* are so taxed in every Act of Subsidy, as we may see 21 *Jac.* 1. 3 *Car.* 1. and the last Act for Sub-

Hob. 121.

Subsidies, 15 Car. 2, &c. only there is a *Proviso* to dispense with the Payment thereof. Again, the University sends Burgeſſes to the Parliament, which they cou'd not do, if they were a ſpiritual Corporation, & *eadem eſt ratio partis & totius*; if the whole be Lay, the eſſential Parts cannot be ſpiritual; and therefore Colleges herein muſt be Lay Corporations. Moreover their conſtant Application is to the Temporal Power upon all Occaſions of Grievances among them, whereby the ordinary Jurisdiction of the Dioceſan has been always paſſed by or ſet aſide, as having nothing to do in theſe Matters. For answer to the *Second Objection*, viz. Colleges are govern'd as other Eccleſiaſtical Corporations are: It is granted that the Local Statutes of Colleges are for the moſt part framed and conceived according to the Style of the *Canon Law* (as has been already affirm'd) and therefore they are well expounded by the Rules and Maxims of that Law; yet it is truly known, that if the Founder of a College ſhould preſcribe any Statutes or Inſtitutions for the Government of his Society, which are contrary to the Temporal Laws of the Land, ſuch Rules are void of themſelves, and want no Judgment to make them ſo. *Thirdly*, It has been alledg'd, that a thing of an Eccleſiaſtical or Spiritual Nature may be annex'd to a College, which has been yet judicially reſolved, and none have been ſo: ſince all the Impropriations they now have, were heretofore appropriated to Religious Houſes before their Diſſolution; and moreover it has never been yet decided, whether an Impropriation may not be to a Lay Corporation, there being no Judgment in *Alden* and *Tothill's* Caſe. Having ſaid ſufficient at preſent to evince Colleges to be of Lay Corporation,

tion, I will reserve my Answer to the 4th Exception to a more proper Place.

The Resignation of a Head of a College ought to be made in *Collegii gremium*, to the Use and Behoof of the College, and not into the Hands of any particular Person, as Sub-warden, Vice-President, &c. But a Fellow ought to make his Resignation into the Hands of his Superior or Governor, to the Use of his Successor. These Resignations ought to be made freely and voluntarily, and not thro' Fear or Compulsion: Nor may the Head of a College, upon the lawful Tender of a Resignation made, refuse to accept the same, where there is a Person already nominated and elected to succeed the Party renouncing his Right to a Fellowship therein; and if he shou'd so refuse, no doubt but that a *Mandamus* wou'd be awarded to admit the Nominee; and if such Nominee refused, shou'd be by any means defeated of his Right, a good Action for Damages wou'd lie against the Person thus refusing to admit him. In the Case of *Baskerville*, it was said, that if the Nominee has any Wrong done him, he ought to apply to the Local Visitor for a Remedy, and not to the *Kings Bench* for its Interposition, until his Sentence; but it was answer'd, that he hath no Jurisdiction in this Case, for two especial Reasons: First, He is only a private Judge appointed by the Founder, or the Law, to determine Offences against the Laws of the College or Place whereof he is Visitor, and to decide Differences between Persons already admitted to partake of the Founder's Charity, upon a Complaint or Appeal made to him; so that his Power only extends over Collegiate Persons and Things: But here the Nominee is not of the College before Admittance, and

Mod. Rep.

Part 4. p. 368.

and therefore this Court may compel an Admittance: And 'tis as reasonable, that this Court shou'd grant a *Mandamus* to the College to admit Persons, as to grant such Writs to Corporations, or to a particular Company, to make a Man free thereof; for where the Cases are alike, the Remedies should also concur. Secondly, The Power of a Visitor is only to determine Rights upon Statutes, and not upon Grants and foreign Nominations. *Sed quare*, whether it be not more adviseable to bring an Action on the Case for Damages, than to apply to the upper Bench for Relief, which I leave to every Man's Discretion. According to the *Civil* and *Canon* Laws, in all Points of Elections, he that canvasses or solicits the Suffrages of the Electors for the Choice of himself, renders himself unfit for the Dignity or Preferment to be disposed in this manner; nay, so severe is the *Canon Law* *Vide Ab. de* herein, that it deems a Person guilty of Simony, who emits and puts up Prayers for his own Election: And it were much to be wished, *Elect. cap. per* that these kind of Elections in Colleges, *Inquis. n. 5.* procur'd by Canvassing, and other undue Practices, were altogether as odious among the Electors, and as severely adjudged and animadverted on by the Visitors of Colleges. In all Elections whatsoever, the Electors ought to have a publick Summons given them by the Person, whose Duty and Business it is to call an Assembly to that End.

Bursars of Colleges are the Administrators and Dispensers of the College Goods and Money, and therefore ought to render an Account of their Trust: and in what Case soever any certain Number of Persons do assume to execute this Office or Commission of Trust *indistinctly*, there (it seems) they do all in Law, if
not

not by some exprels Agreement, promise and become Sureties jointly and severally for the Care and Honesty of each other *in toto & per solidum*; and so may be jointly or severally impleaded for the Fraud or Negligence of one or all of them: For it often happens, that in Commissions so executed, the better Condition of one of them is sufficient Security against the Frauds and Laches of them all, But it is otherwise, if they act separately in respect of such Office or Commission of Trust, for then some foreign Caution may be thought requisite and necessary, since in this Case the Fraud and Negligence of the one will not reach the other; because they perform this Trust *distinctly*, and are not Centinels on each others Proceedings, as in the former Case; and also for that one Person cannot be of equal Security in Law to many join'd in the same Trust or Office; and therefore in the former Case they are not only severally, but also jointly bound for the due Performance of this Trust, *Socius tenetur Socio pro Rato, sed aliis in solidum*, says *Straccha*. *Vide Decis. Rota Gen. 97. N. 8.* And these Rules are not only supported by the Civil Law, but also by the Municipal Laws of this Realm, and are of constant Use and Practice among us.

The subscribing Bursars Accounts is a present Satisfaction to the Parties subscribing the same, but no absolute Approbation thereof; since in passing all Accounts, Errors are excepted on both sides; and this Subscription may perhaps bar an Action of Account *stricto jure*, yet an Action *bonae fidei*, i. e. an Equity, will not be precluded thereby, if the Error be detected, prov'd, and the Action brought within a reasonable Time after such Subscription and Approbation. *Vide Merant. Prax. p. 95. n. 71.* By the

Dec. Conf.
197. per tot.
Max. Dec.
780. N. ult.
Vol. 1. Max.
Conc. 1314.
per tot. Rip.
in L. si is qui
bona N. 4.
H. de pig.
Chancery Ca-
ses. Part 1.
pag. 127.

the Act of Limitation of Actions, an Action of *21 Jac. 1.*
 Account must be brought within six Years, un- *ch. 16.*
 less among Merchants. If an Accountant has
 lost his Papers or Books by no Default of his
 own, he shall not be charged beyond his own
 Oath. Upon a Review of an Account by way *Chancery Ca-*
 of Exception of Error, the Account already *ses, Part 1.*
 stated shall not be again inquir'd or ravelled in- *P. 299.*
 to, but by charging of Particulars.

If the Head of a College labours under any
 Defect or Disability of Mind, whereby he be-
 comes incapable of administering or discharging
 his Office, as it was the Case of the late *Princi-*
pal of Brazen-nose College in Oxford, an Act done
 by him, or in his Bodily Presence, is null and
 void, if his Presence be necessarily requir'd
 thereunto. By Presence here I understand that
 chiefly of the Mind, as the Understanding and
 Consent of the Person; for a Man who is both
 deaf and dumb, if he can be made to under-
 stand by Signs and Tokens, so as to give a Con-
 sent, he is present in Mind; and may act as an
 Agent perfect in Body; for that is said to be
 done in the Presence of any one, which is done
coram intelligente & prudente. L. coram. 209.
de V. O.

In all Collegiate Matters, wherein a Fellow
 acts in pursuance of his general Oath taken at
 the Time of his Admission into the Society, and
 not by virtue of any particular prescript. Form
 in the Statutes, and wherein his personal Pre-
 sence is not specially requir'd, he may act and
 vote by leaving Proxy with one of his Fellows
 Collegiate: But this is not practis'd (as I know)
 in this University; yet such a Proxy cannot be
 refus'd or deny'd.

The Provost, Fellows and Scholars of *Queen's*
College, Oxon. are Guardians of the Hospital
 call'd

call'd *God's-House* in *Southampton*, and they lease Lands, Parcel of the Possession of this House, by the Name of *Prepositus, Socii & Scholares Coll. Regiensis Oxon. Gardianus Hospitalis*; and in an Ejectment on this Lease, it was found for the Plaintiff. In Arrest of Judgment it was objected, that this Word *Gardianus* ought to be in the Plural Number, for that the College consists of many Persons, and like Abbot and Convent: but the Exception was not allowed.

Leon. Rep.

By an Act of Parliament in the 43^d of *Eliz.* Chap. the 4th, being *An Act to redress the Mis-employment of Lands, Goods and Stocks of Money, heretofore given to charitable Uses*; it is therein provided, that neither this Act, nor any thing therein contain'd, shall in any wise extend to any Lands, Tenements, Rents, Annuities, Profits, Goods, Chattels, Money or Stocks of Money; given, limited, assigned or appointed, or which shall be given, limited, appointed or assigned to any College, Hall, or House of Learning within the Universities of *Oxford* or *Cambridge*, or to the Colleges of *Westminster, Eaton, or Winchester*, or any of them, or to any Cathedral or Collegiate Church within this Realm.

By the 18th Article of *K. Henry the 8th's* Charter, granted to the University of *Oxford* in the 14th Year of his Reign, bearing Date the first Day of *April*, all Farmers and Tenants to Colleges within the said University, are exonerated and discharg'd from all Prisages, Chimnages, Captions and Carriages of Horses, Carts, Waggons, &c. and are also thereby exempted from the Payment of all Tolls of Wheat, Barley, Oats, Pease, Beans, and all Grain whatsoever, and likewise for all manner of Victuals sold in Markets, up and down the Realm of *England*: and there should be some subsequent

Royal

Royal Charters since granted, giving the like Toll and Duties to this or that Market; yet such Charter will destroy or defeat the Privilege of Colleges, King *Henry* confirmed unto them by Act of Parliament, which no Royal Grant can overthrow.

By the 16th of King *James's* Canons and Constitutions Ecclesiastical, agreed upon by the Convocation of the Clergy assembled *Anno* 1603. it is ordained, That in all Colleges and Halls in both Universities, the Order, Form and Ceremonies used in the whole Divine Service of the Liturgy, and Administration of the holy Communion, shall be duly observed, as they are set down and prescribed in our Book of Common Prayer, without any Omission or Alteration: And by the 17th of the said Canons and Constitutions, all Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall in their Churches and Chapels, upon all Sundays, Holy-days, and their Eves, at the Time of Divine Service, wear Surplices according to the Order of the Church of *England*; and such as are Graduates shall agreeably wear with their Surplices such Hoods as do severally appertain unto their Degrees.

Likewise by the 23d of these Canons and Constitutions, it is ordained, that in all Colleges and Halls, within both the Universities, the Masters and Fellows, and such especially as have any Pupils, shall be careful that all their said Pupils, and the rest that remain among them, be well brought up and thoroughly instructed in Points of Religion, and that they do diligently frequent Divine Service and publick Sermons, and receive the holy Communion, which is ordain'd to be administred in all such
Colleges

Colleges and Halls the first or second Sunday of every Month : And all the said Masters, Fellows and Scholars, and all the rest of the Students, Officers, and all other the Servants, are hereby requir'd to communicate four Times a Year at least, kneeling reverently and decently on their Knees, according to the Order of the Communion Book prescribed in that behalf.

Altho' there be no other than these three Canons, which have any express Relation to the godly Government of Colleges and Halls in our two Universities ; yet the Students therein are comprehended and subject to the general Direction of them, wheresoever they may be concern'd, as Christians, and of the Church of *England* ; notwithstanding the wild Opinions of some Persons, who think themselves exempted by the Act of Toleration.

By the 19th Section in an Act of Parliament made in the first Year of *Edward* the 6th's Reign, Chap. the 14th, entitled, *An Act for Chantries Collegiate*, it is provided, that this Act, or any Article, Clause, or Matter contained in the same, shall not in any wise extend to any College, Hostel or Hall, being within either the Universities of *Cambridge* and *Oxford*, nor to any Chantry founded in any of the Colleges, Hostels or Halls, being in the same Universities, nor to the College called *St. Mary's* College of *Winchester*, besides *Winchester* ; of the Foundation of Bishop *Wickham*, nor to the College of *Eaton*, nor to any Mannors, Lands, Tenements or Hereditaments to any of them belonging : And yet by Sect. 20. of the same Act, it is enacted, That the King may at any Time during his Life and Pleasure, alter and change the Name or Names of all and singular Chantries, and the Foundations of the same, being
in

in any of the Colleges, Hostels, or Halls of any of the said Universities, according as in his Godly Wisdom he shall think meet and convenient; and by the 37th Section of the said Act, it is provided and enacted, that the King's Majesty at any Time when it shall seem to him good, may empower his Commissioners to alter the Nature and Condition of all manner of *Obits*, as well within the Universities of *Cambridge* and *Oxford*, as in any other Place within the Realm of *England* and *Wales*, being not suppress'd nor annihilated by Virtue of this present Act, and the same *Obits* so alter'd, to dispose of them to a better Use, as to the Relief of some poor Men being Students or otherwise.

The Dean and Chapter of *Christ-Church* in *Oxford* commenced an Action of Trespass, or (in the Phrase of the *Civil Law*) an Action of Injury and Damage before the Vice-Chancellor of the University against *John Parrot*, *Leon. Williams*, and *Hen. Ansell*, Gent. who were thereupon arrested, and committed to Prison, &c. till such time as they should put in Stipulation to answer the Plaintiffs Action, to exhibit a judicial Attendance during the Proceedings in this Cause, and to satisfy the Judgment thereof, &c. And moreover it was alledged on the Part of the said Dean and Chapter; That the Defendants *John Parrot*, *Leon. Williams*, and *Hen. Ansell*, did enter into the Plaintiffs Lands, Pastures and Woods at *Hinksey*, by Force and Arms, and did there tread down their Corn, Hedges and Grass, and commit divers other Enormities, as more fully appears in the Libel given in this Cause, and remaining at the Acts of Court. But some few Days after this Imprisonment, the Defendants then in Custody, by their Attorney, served the Vice-Chancellor

Bail.

with a Writ of *Habeas Corpus cum causa*, issuing from the Lord Chief Justice of the *Queen's Bench*, and other the Justices of the said Court, and directed to the Mayor and Bailiffs of the City of *Oxford*, and to the Vice-Chancellor of the University, and also to the Keeper of the Prison commonly call'd *Bocardo*, commanding them to bring the Bodies of the said Defendants, together with the Day and Cause of their Arrest and Detention before them the said Justices on the Day therein prefix'd; which Writ was received with proper Reverence and Respect, and then communicated to the Convocation for their Advice, which House declared all Writs of this kind to be much in Derogation of the Privileges, Liberties and Immunities, of the University of *Oxford*, and that the same by Royal Grants had no Place or Effect therein, and this was signified to the aforesaid Justices of the *Queen's-Bench* by a special Messenger elected for this End, who appear'd before the said Justices, and in the Name of the whole University alledg'd, That he and every of them were by Oath oblig'd to observe the Statutes, Liberties, Privileges and Customs of the same; That the Chancellor and his Commissary or Deputy, has all and all manner of Jurisdiction and Power, where one of the Parties is a priviledg'd Person, and in all Causes and Matters whatsoever, (some few excepted) and therefore they cannot exhibit and produce the Bodies thus imprison'd and detain'd (as premis'd) without Breach of the University Privilege: And after this Allegation was discuss'd by the Court, it was adjudg'd, that the Defendants *Parrot, Williams, and Ansell*, should be discharg'd from Imprisonment, on their putting in sufficient Caution or Stipulation *de judicio sistendo & judicato solvendo,*

vendo, and to answer the said Dean and Chapter before the Vice-Chancellor or his Deputy; yet notwithstanding this Award, the Parties imprison'd, on a Certificate thereof, refus'd to put in this Caution or Stipulation. Soon after another Writ was brought and directed to the same Persons as the first, commanding almost the same thing, but not as before *simply*, but now under a Penalty of 40*l.* The Tenor of which Writ follows, *viz. Elizabetha Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Majori & Ballivis Civitatis nostræ Oxon. ac Vice-Cancellario Universitatis ejusdem Civitatis, nec non Custodi Prisons nostræ de Boçardo ibidem & eorum cuilibet Salutem. Precipimus vobis, quod corpora Johannis Parrot, Leon. Williams, & Henrici Ancell, Generos. in prisonâ nostrâ sub custodiâ vestrâ aut alicujus vestrâ (ut dicitur) detent' sub salvo & securo conductu, unâ cum diæ & causâ Detentionum & Captionum suarum quibuscunque nominibus iidem Johannes, Leonardus & Henricus censeantur in eadem habeatis coram dilecto & fideli nostro Thomâ Gawdy Milite, uno Justiciariorum nostrorum ad Placita coram nobis tenend' assignat' apud Hospitium suum communiter vocat. Serjeants-Inn situatum in Chancery-lane, London. 15^o die instantis Mensis Februarii ad faciendum & recipiendum ea omnia & singula quæ idem Justiciarius noster ad tunc & ibidem considerabit in hac parte: Et hoc nullatenus omittatis sub pœnâ 40*l.* & tunc habeatis hoc Breve. Teste Wray apud Westmonasterium, 20^o die Feb. anno Regni 26^o.* Hereupon the Vice-Chancellor going to London laid the whole Matter before the said Justices, especially Sir Thomas Gawdy, one of the Judges of the Common Pleas, and plead- ed the Liberties and Privileges of the Univer- sity, conferr'd by Royal Grants, establish'd by

Authority of Parliament, and strengthened by Length of Time and constant Usage; and perform'd all things meet and necessary touching the same with that Accuracy, that thinking he had fully satisfied the said Justices, he return'd home, to hear and determine this Action by his Assessor. But afterwards even a third Writ like unto the former was transmitted with the Commination of 100 Marks, the Tenor of which Writ is as follows, viz. *Elizabetha, Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Majori & Ballivis Civitatis nostræ Oxon. ac Vice-Cancellario Universitatis ejusdem Civitatis, nec non Custodi Prisons nostræ de Bocardo, ibidem & eorum cuilibet Salutem. Precipimus vobis, quod corpora Johannis Partot, Leonardi Williams, & Henrici Ancell, in Prisonâ nostrâ sub custodiâ vestrâ aut alicujus vestrum (ut dicitur) detent' sub salvo & securo conductu und cum die & causâ captionum & detentionum suarum quibuscunque nominibus iidem Johannes, Leonardus, & Henricus conseantur in eadem habeatis coram dilecto & fideli nostro Gulielmo Ayliffe, uno Justiciariorum nostrorum ad placita in Curia nostrâ coram nobis tenend' assignat' die Jovis 27^o Febr. apud London. ad faciendum & recipiendum quod idem Justiciarius noster de iis ad tunc & ibidem considerabit in hac parte, & hoc nullatenus omittatis sub pœna 100 Marcarum: & habeatis ibi tunc hoc Breve. Teste Wray apud Westmonasterium, 12^o die Feb. anno regni nostri 26^o.* Whereupon the Vice-Chancellor, attended with certain Doctors of this University, did on the 27th of Febr. appear before the Right Honourable Sir William Ayliffe, and protest, in Maintenance of the Privileges and Liberties of the University, against these Proceedings: by asserting the said Writ (as appear'd to them) to be surreptitiously

ously obtain'd without the Knowledge of the Chief Justice : But a Return of the Writ was insisted on by the Court according to the Precept thereof, and that the Persons imprisoned were exhibited with the Days and Causes of their Imprisonment ; to which the Vice-Chancellor in no ways submitted ; but affixing his Answer to this Writ, he delivered the same to the Court with a suitable Reverence, which was as follows, viz. *Honorabili viro Gulielmo Ayliffe, uni Justiciariorum Domina nostra Regina ad placita in Curia coram dictâ Dominâ Reginâ tenend' nos Tho. Thornton S. T. P. ac Alma Universitatis Oxon. Vice-Cancellarius sive Commissarius certificamus, quod ante adventum istius Brevis huic Scheda annex' Johannes Parrot, Leonardus Williams, & Henricus Ansell, in Brevi prædict' nominati, capti & arrestati fuerint infra prædictum Universitatis, pretextu cujusdam Querela prius versus eos coram Vice-Cancellario Universitatis prædict' sive ejus Deputato legitimo ad Sectam & Instantiam quarundam privilegiatarum personarum Decani & Capituli Ecclesie Cathedralis Christi Oxon. ex fundatione Regis Henrici VIII. affirmate in quâdam causâ Transgressionis sive Damni injuriarum dati : Et prædict' Johannes Parrot, Leonardus Williams, & Henricus Ansell, sufficientem securitatem de judicio sistendi & legitime comparandi ad respondendum dictis privilegiatis personis, viz. Decano & Capitulo invenire recusarunt, prout & in presenti recusant ; ideo in carcerem dejecti & ibi detenti sunt : & cum ab illustrissima Regina qua nunc est Progenitoribus quondam Angliæ Regibus ex speciali gratiâ & favore sit inter alia Academia Oxon. privilegia concessum, & ab eadem illustrissimâ Reginâ in actu Parlamenti confirmatum, Quod Cancellarius Universitatis prædictæ ejusve Deputatus & eorum Successores, Sene-*

schallus, Subseneschallus, & alii Judices per dictam Cancellarium legitimè deputati, tam de Transgressionibus & Malefactis quàm de Misprisionibus, Extortionibus, Conspirationibus, Confederationibus, Manutentiis, falsis Allegantiis, Computis, Contractibus, & Injuriis quibuscunque, ac omnibus aliis articulis, quæ cadere possunt in finem vel redemptionem, seu in aliam penam pecuniariam, & de aliis Contractibus, Placitis, & Querelis personalibus; & aliis Causis & Materiis quibuscunque quocunque nomine consequantur seu censi poterunt, Assisis & Placitis de libero Tenemento duntaxat exceptis, infra Villam Oxon. Suburbia ejusdem, & quatuor Hundreda eidem Villa & Suburbis proxime adjacentia, nec non infra Comitatum Oxon. & Berkl. vel alibi infra regnum Angliæ qualitercunque emergentibus, factis sive perpetratis, faciendis sive perpetrandis tam ad sectam Domine nostræ Reginæ, quàm ad sectam partis vel alio modo quocunque, ubi Scholares vel eorum servientes seu Ministri, aut aliqua aliæ personæ quæ aliquo privilegio dictæ Universitatis gaudere debeant vel debeant, quos vel quem dictus Cancellarius, Commissarius ejusve locum-tenens clamare voluerint, est vel erit una partium per Scholares vel eorum Servientes aut Laicas gentes ejusdem Ville Oxon. aut per alios inquirant aut inquirere possunt, & plenam Correctionem & Cognitionem inde habeant, & Executionem inde secundum Statuta & Consuetudines dictæ Universitatis vel Legem Regni Angliæ ad voluntatem prædictorum Cancellarii, Commissarii sive ejus Deputati faciant; ac omnes & singulos Articulos, Causas, Materias & Querelas, (exceptis præ-exceptis) audiant & terminent: Ac omnia & omnimoda Merciamenta, Forisfacturas & proficua inde provenientia ad commodum & utilitatem Universitatis prædictæ habeant, levent & percipiant per se aut Deputatos suos in perpetuum. Item, Quod nullus Justiciarius ad Placita coram Domina nostrâ Regina tenenda assignat

assignat vel assignand' Justiciarius de Comuni Banco, Justiciarius ad Affixas capiend' vel Goalas deliberand' vel Custodes pacis seu Justiciarius servientium, laboratorum, & artificum seu alii Justiciarii vel Judices quicumque Seneschallus vel Mareschallus, vel Clericus Mercati Hospitii Domine nostre Regine se in aliquo intromittant: Et si iidem Justiciarii aut alii Justiciarii Domine nostre Regine, seu eorum aliquis in presentia vel absentia dictae Domine nostre Regine super aliquibus praemissis (exceptis pra-exceptis) inquirere vel aliqualiter cognoscere vel intromittere praesumpserint in futurum, iidem Justiciarii vel alii Ministri & Officiarii praedicti ad certificationem seu significationem Cancellarii Universitatis praedictae qui pro tempore fuerit, seu ejus Commissarii seu Locum-tenentis inquisitionibus & cognitionibus hujusmodi aut cuicunque processui, aut executioni inde qualitercunque faciendae omnino supersedeant & se inde ulterius in aliquo nullatenus intromittant. (And thus far out of the Charter mutatis mutandis.) Et cum nos Vice-Cancellarius sive Commissarius antedictus ad observandum Privilegia, Libertates, Consuetudines & Immunitates dictae Universitatis iurjurandi religione astricti sumus, ideo bis de causis corpora praedictorum Parrot, Williams, & Ansell sine privilegiorum nostrorum violatione & juramenti lésione coram vobis presentare & exhibere non possumus, ac proinde dictos Parrot, Williams & Ansell ad respondendum in Curia dictae Universitatis nec non causa praedictae cognitionem vendicamus, humiliter supplicantes quatenus ulteriori processui adversus Vice-Cancellarium antedictum sive Privilegia nostra supersedere dignemini.

The Proceedings in the mean while went on in the Vice-Chancellor's Court against the Defendants, *Parrot, Williams* and *Ansell*, at the Dean and Chapter's Petition; and they were by a definitive Sentence condemn'd *ad Restitu-*

tionem dampni, and to pay Expences of Suit, and committed to Goal, until they paid the Matter adjudg'd : But the Justices at *Westminster* threatened to levy the Penalties certified in the aforesaid Writs, and forfeited as they pretended. Whereupon at length this whole Matter was brought before the Queen in her Privy-Council, to be there argued and consider'd, which referred the Hearing and Examination thereof to Sir *Gilbert Gerard* Kt. and Master of the Rolls, and *Tho. Egerton* Esq; her Majesty's Solicitor General, and afterwards our very worthy Chancellor ; who, upon hearing both sides, made an Order under their Hands, which the Privy-Council approved and confirmed, and moreover wrote a Letter to the Justices of the Queen's Bench, and all other Justices, to supersede all Proceedings against the Vice-Chancellor in this Matter : And being informed by the Vice-Chancellor and his Deputy, that they and one *John Woodson*, a Beadle of the University, were troubled in that Court about other Points in these Causes, and were in Danger of incurring Penalties ; therefore the Privy Council having read and consider'd their Charters in these Points, and finding both the Causes to belong to their Jurisdiction, and their Manner of Proceeding, and to have been agreeable to their Charters, and the ancient Use and Custom of the University in the like Cases, did require the said Justices to see that neither the Vice-Chancellor, his Deputy, or the said *Woodson* did incur any Penalty for this their Defence of their Jurisdiction and Privileges, but that they may be freely and quietly dismiss'd without any further Trouble or Charge.

C H A P. III.

Of Local Visitors of Colleges, their Power, &c.

BEfore I proceed to treat of the Power of *Local* Visitors of Colleges, founded for the publick Benefit of useful Education and Learning in our two Universities, I ask Leave to premise by way of Definition or Description, what I mean by a local Visitor of a College; who may be said to be a Person distinct from the Body of the College it self, but vested with a Power and Authority of Visiting the same under some Restrictions of Law, for the Good and general Behoof thereof: He is called Visitor *à visitando*, and Patron *à Patrocinando*; for he is the Protector of all its Rights, Privileges and Immunities; and is in the very Place or stead of its Founder, to supervise and take Care, that all the Statutes and lawful Ordinances made by the Founder or other legal Authority, respecting the State and Condition of the College over which he presides as Visitor, be duly kept and observ'd by the Head and all the Members thereof; for he is Visitor *tam in Capite quàm in Membris*.

He is called *Local* Visitor; for that his Power as Visitor is circumscribed and limited to such Acts only as concern the Welfare and Honour of such his College: And also for that his Visitation ought to be held and celebrated *in loco Traß. Traß. Collegii*, within the Scite and Precincts of the Tom. 14. p. 183. Fed. Conf. N. 79. College, and not elsewhere: His Jurisdiction is Local, and does in no wise follow his Person; unless in Cases of Appeal and private Complaint, where the Parties are consenting thereunto; and if he should attempt to cite any Person

son to any other Place than the College, where of he is a Member, for his Appearance before him as Visitor, a Prohibition or some other Remedial Writ (I presume) would be granted ; for that a Visitor in so doing exceeds the Limits and Bounds of his Authority, and by a Parity of Reason the Argument holds good as well here as in the Stat. of the 23d of Hen. 8. Chap. 9. against citing out of the Diocese. I do not mention this because I would have all Persons refuse Obedience to such a Summons ; for it may be more adviseable to appear in some certain Cases than strictly to insist on the Visitor's coming to the Place of the College.

Now this Appointment of Power he either receives from the Founder himself, through the Means of his Statutes relating to such College in very express Terms ; which Statutes, in regard of the Founder's Charity, are by our Lawyers sometimes filed the Founder's Will : Or in Case of any particular Defect in such Statutes to maintain and support this Visitatorial Power and Authority ; he receives it from, and has it convey'd to Him by the Common and Municipal Laws of the Realm ; for a College cannot be without a Visitor ; and it is sufficient if a Visitor be constituted and named after this or the like Manner, *viz. And we appoint and ordain the Right Reverend Father in God the Bishop of Lincoln for the Time being to be the Visitor of Lincoln College.* These or the like Words are sufficient (I say) to give a compleat Visitatorial Power. Again,

As a Visitor of a College derives his Power and Jurisdiction either expressly from the Founder himself, or in Defect of such express Grant of Power, by a necessary Supply of Law ; so is the proper Person of such Visitor namely constituted

tuted either by the particular Designation and Appointment of the Founder himself; or else in Defect thereof by a like Supply of Law. And as the Power of a special Visitor of a College expressly named by the Founder, is well established without any particular Description thereof, *i. e.* of the Specialties or Incidents thereunto annex'd; so by the Description of such a Power given to any Person or Persons, such Person or Persons are thereby created Visitor or Visitors, whether expressly stiled so or not in the Founder's Statutes; for by directing and giving such Power, they do as well by the Founder's Will as in Law thereby become Visitors, otherwise the giving of this Power would be vain, and the Clause useless; as in the Case of *Winchester-College*, where the Founder has not so fully in Terms constituted a Visitor; but has left his Intention to a necessary Implication of Law, which see in the third Rubrick of the Statutes of that Society. This partial Appointment of a Visitor (as pretended) is the Occasion of the present Controversy between the Bishop of *Winton*, the undoubted Visitor of that College by Denunciation, and the Reverend Mr. *Bridg-oak* lately deprived of a Fellowship thereof for Contumacy to his Lordship's Jurisdiction.

Where the King founds a College, be it Lay or Spiritual, he is Visitor of *Common Right*; and it is the same with a common Person, where such College is merely a Lay Corporation, as it will give a future Remembrance of: For Colleges are only private and particular Corporations, founded and endowed by private Persons upon the Score of Charity; and not for the sake of publick Government, as Cities, Towns, &c. and are therefore only subject to the particular Government of those who erect them; there-
fore

fore if there be no particular Visitor appointed by the Statutes of such College, in all such Cases of Eleemosynary Corporation, the Law appoints the Founder and his Heirs to be Visitors: For it is not at the Pleasure of the Founder whether there shall be a Visitor or not; if he is silent during his Life-time, the Right of Visitation will descend to his Heirs; and so is *Telverton*, and the second of *Crook*, where it is admitted on all hands, that the Founder is Patron, and as Patron is Visitor, if no particular Visitor be assign'd, 8 *Edw.* 4. 8. 8 *Affize* 29. 9 *Hen.* 6. 33. 1 *Inst.* 96. So that Patronage and Visitation are necessary Consequents one upon another: And thus is a *Local Visitor* of a College either created by the Founder himself, or in Defect of such Creation by Appointment of Law.

Indeed it has been asserted by some Persons, that the Common Law assigns no Visitor at all in case of such Defect; but this Assertion is so contrary to Truth in the most evident Degree, that it hardly deserves any Refutation. Thus when no Visitor is appointed in a Spiritual Corporation, the Bishop is said to become Visitor thereof of *Common Right*, i. e. in Right of his Episcopal Office, or as Bishop of the Diocese, where such Corporation lies, who ought then to visit according to the Ecclesiastical Law; for 'tis a Maxim in the Common Law, that where the Right is Spiritual, the Remedy ought to be so too; and therefore only by Ecclesiastical Law, the Cognizance whereof belongs to the Ecclesiastical Court. But 'tis otherwise in a Lay-Corporation, and such are all Colleges esteemed to be with which I have to do: For as it has been already said in Defect of a special Appointment of a Visitor by the Founder, the Law appoints the Founder and his Heirs; who

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who are not to be guided by the Methods of the Common Law of *England*, in the Government and Visitation of these Colleges ; but according to the Rules and Statutes assign'd them by their respective Founders ; and in Defect of such Rules and Statutes, according to the Usages and Customs of the Society, or College to be visited.

For this Visitatorial Power was not introduced by any Canons or Constitutions Ecclesiastical ; but it is an Appointment of the Law ; it arises from the Property which the Founder had in the Lands assign'd and given to support the Charity ; and as he is Author of the Charity, the Law gives him and his Heirs a Visitatorial Power, that is to say, an Authority to inspect their Actions, and regulate their Behaviour. For it is not fit, that Members endowed, and who have a Charity bestow'd upon them, should be left to themselves ; but they ought to pursue the Intent and Design of him who conferr'd it on them.

When those who are to receive the Charity and Benevolence of the Founder, are not incorporated ; but Trustees are appointed, there is then no Visitatorial Power ; because the Interest of the Revenue is not vested in them : But when those who are to enjoy the Benefit are incorporated, then to prevent all perverting of the Gift or Charity, the Law establishes a Visitatorial Power ; and this Visitatorial Power is in some Measure a Creature of the Founders ; and 'tis reasonable that he and his Heirs should have this Power, unless he has devolv'd it elsewhere.

Visitors are styled Patrons and Protectors of the College which they visit ; and ought in fact so to approve themselves, since the Founder has placed

placed a Trust in them which is now become irrevocable, and therefore ought not to be the Foundation of Hatred and Partiality; nor the Methods whereby their Families may enrich themselves. In short, if they abuse this sacred *Depositum*, this great and honourable Trust reposed in them, by perverting the same to serve evil Purposes, and sinister Designs, or do become so careless and negligent thereof, as tacitly to give up and surrender the same; or lastly, grow so false and impiously perfidious, as hereby to ruin one College in order to extol and magnify another, and then to smile and rejoice in their Wickedness; (as was the Baseness of a late Visitor, whose Ashes lying at Quiet, I will not rake into) Let them know, they must one Day or other be accountable for their Malefeazances, and other Breaches of Trust, before a Tribunal which will not be eluded by all the Wiles of Human Art; altho' they be not obliged to the Observation of this Trust by the Religion of an Oath. In our ancient Law-Books, depriv'd by Patron and depriv'd by Visitor, are one and the same thing.

A Visitor of a College then is by the Founder made *Fidei Commissarius*; that is, the Founder has by Way of Trust committed to him all that Power and Authority which was vested in himself, unless it be in Cases reserved; wherein he has specially restrain'd him; as that he cannot alter or dispence with any of the *Local Statutes*, neither can he abrogate the same, or make new Ordinances, or any Declarations, Expositions or Injunctions, repugnant or derogatory thereunto: But in all Matters concerning the Government, Discipline, and Welfare of the College, he may supply the Defect and Want of the Founder; and pursuing his Intentions in all things, he may act and do in as large and ample a Man-

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ner as the Founder himself, were he then living.

When a Local Visitor of a College is appointed by the Founder, he is to have the continual Inspection thereof; and this is a Right granted to him without any Implication; he hath *propriam & non alienam Jurisdictionem*; for notwithstanding he is made Visitor by the Appointment of another, yet he hath an immediate Ordinary Authority in his own Right, *quatenus* Visitor, vested in him by Law; which is the same as was originally in the Founder himself, unless in Cases reserved, as already noted: And if any other Person should endeavour to visit the College, or to oust him of his Jurisdiction, he might have a Prohibition to stay the Proceedings of such Incompetency.

Tract. Tract. p. 187. b. Tom. 14.

A Visitor *quatenus* such, has always sufficient Power and Authority to deprive or suspend for Contumacy or any Crime of a heinous Nature committed against the Laws of God, and the Statutes of the College; or to inflict any other Punishment arbitrarily according to the Nature and Quality of the Offence committed, if there be no Form of Punishment expressly prescribed and limited by the Statutes of the College: And this Power and Authority is of *Common Right* inseparably incident to his Visitatorial Office, and he needs not the Concurrence of any other Person to execute it.

Exord. Tom. p. 180. b. Cap. Rom. de Lit. pend.

And further, this Power and Authority is derived from and out of that Fullness of Power which the Founder had in himself, and if such Visitor does not proceed contrary to the Laws of the Realm, and Statutes of such College, he proceeds by a regular Authority, according to this Plenitude of Power. For the Power of a Visitor is not like any Jurisdiction of the Courts at

at Law, nor is it to be guided and examined by their Rules, tho' always subject to the Laws of the Realm in provisional Cases. And a Visitor, although he be named and appointed by the Founder, yet is vested with his Power by the Common Law; and the Law has given all Jurisdiction and Authority to him, which is requisite and necessary to his Office of Visitor.

Contumacy to the legal and statutable Power of a Visitor is as great a Crime as can be express'd or imagin'd, although it be not mentioned in the Statutes themselves; for by allowing such a Behaviour in a College, no Will of the Founder could be fulfilled, no Visitation could ever be had, and the Statutes of the College would hereby be repealed and made void at once; for Contumacy would hinder and impeach the Observance of them. But such Contumacy can only happen when the Visitor acts by a legal and statutable Power and Authority, and that Authority is well executed in a regular Manner, and upon a just Cause and Grounds.

Andr. de Mendoc. de jure Acad. lib. 1. n. 242.

If the Inferior or Ordinary Visitor exceeds the Limits of his Jurisdiction or Power, the Party aggrieved hereby may undoubtedly have his Recourse to the Crown for Remedy by way of Appeal; and my Lord Chief Justice *Hales* says by Prohibition too; and the Ordinary Visitor shall hereby be restrain'd, and stand corrected in the undue Exercise of his Office. But since the Founder has made him a Judge, and committed all Matters in the College to his Discretion; it is not to be suspected or presumed in Law, that he will do otherwise than Right and Justice, and therefore if any such Complaint of Grievance or Injustice be made, it ought to be well warranted and proved.

After

After the Visitor has receiv'd an Appeal (which in Duty and good Conscience he is bound to do, provided it be not frivolous) he ought of Common Right to grant an Inhibition to stay all further Proceedings against the Party Appellant, and to restore him to his former State and Condition in the College, until such Time as the Cause of the Appeal it self shall be heard and fully determined: And moreover such Visitor ought to make an Order, requiring the Head and such Fellows of the College as are concern'd in the Appeal, (called the Parties Appellate) to appear before him, and give an Account of their Proceedings; which Proceedings regularly ought to be dispatch'd in the Presence of a Notary Publick, or other credible Witnesses (at least) attesting the same: For otherwise how will they transmit their Proceedings to the Visitor, with any Evidence or Testimony of the Truth and Legality thereof?

That the Sentence of a Local Visitor is not examinable in any other Court of Law, may be enforced and proved from the Nature of Eleemosynary Corporations, (and such are all Colleges of which I am now speaking) and also from many Authorities in Law, wherein the constant Course has been to deny a *Mandamus*, when prayed to restore any Person expell'd or depriv'd, to his Place or Fellowship in such Corporation; and there is no Precedent or Law-Case in the old Books, of any Restitution obtain'd in any such Case. A *Mandamus* was denied by the Court in the Case of *Parkinson*, Fellow of *Lincoln* College in *Oxon.* For the Visitor is the proper Judge, and when a Man takes a Fellowship, he submits himself to the Rules of the College, and to the private Laws of the Founder. It was also denied by my Lord Chief Justice *Hale* in

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Mod. Rep. pt. 3. p. 265.

Doctor *Roberts's* Case, who prayed a *Mandamus* to be restor'd to a Fellowship in *Jesus College* in *Oxon.* upon Affidavit made, that he had applied himself to the Visitor, and that he would not meddle therein; *Keeling* indeed was of Opinion, and did conceive, that a *Mandamus* ought to be granted, this having been ruled to be an Estate of Freehold, and that such have a Voice in the Choice of a Knight of the Shire: But *Windham* oppos'd the *Mandamus*, because an Appeal to the Ordinary Visitor is the proper Remedy, and he is of Right bound to act in it. *Twissden* and *Moreton* were against the Granting of any *Mandamus*, and said, that there was no Remedy but by an Affize, if he be ousted; and an Action upon the Case, if he be not admitted.

Keel. Rep. pt.
3. p. 102.

So was a *Mandamus* also denied in the Case of *Daniel Appleford*, a Fellow of *New-College* in *Oxon.* for the same Reason; but it was said therein, that an Action on the Case would lie; see the *Modern Reports*, Part I. Page 82. with many other Cases in our Law-Books of the like Nature. Dr. *Coveney*, President of *Magd. Coll.* in *Oxon.* was deprived by the Bishop of *Winchester*, as Local Visitor of that College; he appealed to the Queen in Chancery; and it was resolved, that an Appeal did not lie thither; for it was not within the Statute of *Hen. VIII.* touching Appeals to the King in Chancery, because that Statute directs to whom Appeals shall be made in Causes only of Spiritual Jurisdiction; but a College is not a Spiritual Corporation, (as already noted) nor is the Act of Deprivation of Spiritual Cognizance. 'Tis true, the Book says, that because there was no Appeal, *ex hoc sequitur*, the Party may have an Affize, but that could never be the Opinion of my Lord *Dyer*; because the Governor of a College has not an Estate

Estate to maintain an Affize, for he alone, without the whole Body aggregate, hath no sole Seizin or Right in any thing belonging to the Corporation, therefore that Sequel cannot be Law : But admitting it be the Opinion of *Dyer*, it stands singly by It self, without any Authority to support it ; It is no Judgment in Law, and my Lord *Hale*, in *Appleford's Case*, affirm'd, that an Affize would not lye, and the Reason is plain, because a proper Court has an original Jurisdiction, no other Court shall examine their Judgment, after Sentence given.

Deprivation of a Head or Fellow of a College is not like unto the Disfranchisements of Members of publick Corporations ; nor is the Sentence of a Visitor like unto the Decrees made by Commissioners of Sewers, of Bankrupt, &c, the Proceedings of which Persons are examinable in *Banco Regis* ; and the Reason is, because these Persons are not trusted with a Power of Judicature ; for what they do is extra-judicial : But in the Case of a Visitor, he has the sole and absolute Power and Right, under the Crown, of determining and judging in the Actions of those who subsist on the Founder's Charity ; he is made a Judge by the Common Law ; and tho' it should be said, that the King cannot commission any one to exercise such a Power Despotick, yet the Common Law gives that Authority, wherein the Consent of all Persons is involved.

It was affirmed in the Case of *Phillips* against *Bury*, That if a Founder appoints a Visitor, and prescribes to his Authority certain Rules and Limitations, as to Time, Person and Place ; and if that Power thus circumscribed be not exactly pursued in his Proceedings, and in all its Circumstances, it is not only an Error, but all is

ceram non Judicet : For it was then said, that the Visitor has no Authority, but what is given him by the Founder, and his Power being restrain'd, if he exceeds the Limits thereof, he then acts without Authority. In answer whereunto, I say, 'tis allow'd, that a Visitor, in all his Proceedings must be subject to the particular Rules and Orders of the Founder, by which his Jurisdiction is in some Measure establish'd ; and if it appears, that he has acted contrary to those Rules, his Decree or Sentence may be declared null and void by the Supreme Visitor, the Queen in Council ; who is to restrain his illegal and exorbitant Power, and to correct his Proceedings. But a Visitor may, notwithstanding, in his Proceedings, use a Power and Authority which is not expressly set forth and mention'd in the Rules and Orders of the Society, whereby he visits : For there are many Things necessarily imply'd, and inseparably incident to the very Power and Office of a Visitor, which need not be express'd ; as the Power of Suspension and Deprivation for Contumacy and other reasonable Causes, &c. for that his Visitation Power cannot be supported without the Power of such and the like Censures, and Penal Sanctions.

Although a Visitor may be restrain'd, by the particular Laws and Statutes of the Founder, as to visit *ex officio* but once in two, three, four or five Years ; yet he has always a constant and standing Authority given to him by the Laws of the Land, to hear and determine all particular Differences whatsoever, that may arise in the College, whereof he is Visitor, during the intermediate Time of his general Visitation ; from whose Sentence, there lies no Appeal to any Court of Law, but only to the Queen in Council,

Council, as aforesaid. Diocesan Bishops can Visit but once in three Years, yet their Courts are always open, to hear and determine Quarrels and Offences, and all particular Complaints. And the like it is with Visitors, whose General Authority is restrain'd in Point of Time ; and it would be a vain and absurd Thing to suppose, that the Intention of the Founder, or his Laws, was, that such Disorders and Causes of Complaint should not be examin'd and redress'd, in the intermediate Time of a General Visitation, &c.

I have before imperfectly remembred, that no Appeal lies to any of the Courts in *Westminster-Hall*, from the Sentence of a Local Visitor, provided he keeps himself within the Bounds of his own Jurisdiction, and meddles only with Matters subject to his Cognizance ; for that an Act done, or Sentence pronounc'd by him, shall be presumed to be done and pronounced by the Founder himself ; which cannot be argued unjust ; for that he supplies the Place of the Founder, and as Visitor is proper Judge. It ought not to be thought unjust, (says the late Bishop of *Worcester*, giving his Opinion in the *2 Vol. Eccl. House of Lords*, in *Exeter-College Case*) that *Cases, p. 412.* the Visitors Sentence is irreverfible by any Court of Law, or that his Power is absolute and conclusive, being without any further Appeal ; he means at Law. Indeed (says he) this seems to be setting up an Arbitrary Power among us, which is against Law : But that Learned Prelate goes on, and rightly distinguishes between an Arbitrary Power against Law, and a Conclusive Power by Law.

When, I say, that the Law has given such a Power to Visitors, as to determine Matters without the Liberty of an Appeal, I would be

always understood to mean only in Relation to the Courts at Law, as aforesaid: For there can be no Question made touching the Power of the Crown in receiving Appeals from these inferior Judges or Visitors; this is a Right and Prerogative inherent in it, of which it cannot divest it self but by Act of Parliament. In the Year 1379. the Archbishop of *York*, as Visitor of *Queen's College in Oxford*, deprived the Provost and three of the Fellows of that College; whereupon the King, as Supreme Visitor, sent a Commission to examine and enquire into the Reason of this Deprivation; and upon hearing of the Matter, the Provost stood deprived, and a new one was confirm'd; this happen'd on a Quarrel about the Provostship.

That such a Power in Visitors is not against Law, appears by that excellent Statute of the 43d of *Eliz.* Chap. 4. *Concerning Commissioners for Charitable Uses*, where Visitors have such a Power given them, that they are not liable to be called to an Account by any Commission, Court of Law, or Chancery; so that our Law thinks fit, upon some Occasions, especially as to Eleemosynary Foundations, to lodge such a Power in some Persons, and this surely cannot be called an illegal Power.

It was urged in the Case of *Exeter-College* above-cited, That the Visitor's was no other than the Founder's Power, or the Power which the Founder expressly gave him; for he acts as Founder, and by his Right; but no Founder can establish such Arbitrary Power; and therefore it is illegal. To all which it was answered, That if the Visitor had no other Power but the Founder's, such an arbitrary Method of Proceeding could not be settled, viz. That the Visitor's Judgment should not be called in Question by
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the Courts of Law; for the Founder himself was a private Subject, and as such, cannot, by any inherent Power in himself, debar any Person the Right of Appealing, in case of an Injury done to him in a Society settled by Law. Now if a private Founder cannot incorporate such a Society by his own Power, then he cannot give a Power to the Visitor of Removing any one out of it, so as not to be accountable to any other Court: This was an Argument at Bar. To clear up this Point (says the Bishop) we must go further than the meer Power of the Founder in this Matter. *Page 115.* It must be taken for granted, that every such Corporation must have a Legal Authority, besides the Founder's Will, (as I have elsewhere shewed) and that must be either by Common-Law, Prescription, or Act of Parliament, as Hospitals are by the 43^d of *Eliz.* Chap. 5. or by Royal Charter; for the King by his Authority can make a Society to be incorporated; and the Corporations of all Colleges in *Oxford* have been made by the King's Charters. So were the making of Statutes for these Colleges left to the particular Founders (and not only the Statutes, but also the Appointment of particular Visitors has been left to them, with the Manner of Government, &c.) where the Persons, to whom the Charity is given, are not incorporated, there is ~~no~~ such Visitatorial Power; because the Interest of the Revenue is not vested in them: But where it is so, the Right of Visitation arises from the Foundation; and the Founder may convey it to whom, and in what manner he pleases; and the Visitor acts by the Founder's Authority, and consequently is no more accountable than the Founder would be.

But that which is particularly observed by his Lordship, is, that these Founders of Colle-

ges did take special Care to prevent, as much as possible, all Law-Suits among the Members of their Societies, as most destructive to the Peace and Unity of their Body, and the Tranquillity necessary to their Studies : for they knew very well, that if any Encouragement was given to Law-Suits, those Places would in Time become Nurseries for Attorneys and Solicitors, which were to pervert the main Design of their Foundation.

Walter de Merton, the first Founder of a College in *Oxford* with Revenues to support it, took such Care about this Matter, that he puts the Case in his Statutes, of a Warden being deprived ; and knowing that Men are apt to complain when they suffer : and to endeavour one Way or other to be restored, (which causes great Heats and Animosities among the contending Parties) therefore, to prevent these mischievous Consequences, he inserts a Chapter on Purpose in his Statutes, that if such a Case happen'd, *Nulla actio, nullum juris Remedium Canonici vel Civilis habeat, &c.* This may be said to be a hard Case ; for may not a Man see himself righted by proper Remedies at Law ? But the Wise Founder looked on the Consequence as to the Society more than the Personal Injury of him who suffer'd : and prefer'd the Peace of his College before the Restoring a Man to his Place.

In the Statutes of *Exeter-College*, it is expressly mention'd, that if the Rector be deprived by the Commissary, he may appeal to the Bishop as Visitor ; but if he be deprived by the Visitor himself, then no farther Appeal is allow'd, nor any Remedy *Juris aut Facti*. By the Statutes of *New-College*, the Warden is to be removed by the major Part of the Fellows ; and he

he swears not to appeal, much less has he the Liberty of Appealing, if deprived by the Visitor. In the Year 1562. the Arch-Bishop of *Canterbury*, as Visitor, proceeded against *Hawles*, and other Fellows of *Merton College*, for opposing the Admission of a Warden, nominated by the Arch-Bishop, as Visitor, upon a Devolution; and as Visitor he proceeded to their Deprivation; yet no Appeal to the Courts of Law was then allow'd of. And in the Year 1568. the Bishop of *Winchester*, being Visitor of *Corpus-Christi College*, deprived those Fellows, who oppos'd the Admission of *Cole*, nominated by the Queen, after the Election of *Harrison*, which was said not to be Statutable. Now both these Cases had Difficulties, and were Temporal Things, as well as Dr. *Couency's* Case above-mentioned; and yet there was no *Affize* brought in either Case.

How Appeals of this Nature came to be brought into *Westminster-Hall*, take the following Account, viz. Soon after the Restoration of King *Charles the 2d*, of Blessed Memory, one Dr. *Witbrington*, Fellow of *Christ's College* in *Cambridge*, was deprived of his Fellowship, by the Master and Fellows: Whereupon he appealed to the *King's Bench* to be restored. In the Arguments in that Case, one of the Learned Judges of that Court affirmed, That the first Precedent of this Kind was not above Ten Years standing; which was in the Case of *Hern*, who obtained a *Mandamus* to be restored to a Place, whereof he was deprived in the University, when *Glyn* was Chief Justice: and the Reason given was, because there was then no special Visitor; for the Arch-Bishop of *Canterbury* was Local Visitor; and there was no Arch-Bishop. Can this Precedent then hold good, when there
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Stylus Reg.
457.

is a Local Visitor, to whom it belongs to give Judgment in such Cases? After this one *Crawford* made Application to the *Superior Bench* (as then stiled) to be restored to the Place of a School-master in *Cambridge*, of which he was depriv'd by the proper Visitors, the Master and Fellows of *Gonville* and *Cains* College. Upon several Arguments it was deny'd, and resolved, that no Writ of Restitution should be granted, but the Matter was referred to the Chancellor, &c. In the 14th of *Charles the 2d*, Dr. *Patrick* was chosen Head of *Queens College* in *Cambridge* by a Majority of Voices, but another was admitted; upon which he appealed to the *King's Bench*; but some of the Judges said positively, that no Writ ought ever to have been granted upon Differences in Colleges, for that Appeals lay to the Local Visitor, and not to the *King's Bench*: It was then urg'd, that this was a Matter of Freehold, and that was no spiritual Corporation, but the declaring of a Master was a Temporal Act; but the Chief Justice said, That to give a Remedy in this Court, wou'd shake the whole Government of Colleges. In the 22d of King *Charles the 2d*, *Daniel Appleford* was deprived of his Fellowship by the Local Visitor of *New College*; he brought the Matter to the *King's Bench*, where my Lord Chief Justice *Hale* said, if there be a Jurisdiction in the Visitor, and he hath determin'd the Matter, how will ye get over that Sentence? In the Case of Dr. *Lewis* it was resolved for the Local Visitor of *Oriel College*, against the Arch-Bishop of *Canterbury*, who asserted the Exercise of his Metropolitcal Authority, and as Metropolitan wou'd receive an Appeal.

I will next consider, upon what Grounds those went, who would have such Causes brought to the

the Cognizance of the *King's Bench*; and the Weakness of them will shew what little Reason they had for this new Practice. Some wou'd go so far back, as to found it upon *Magna Charta*, Chap. 29. That no Man shall be disseized of his Freehold, but by his Peers; but they forget, that it is added, *vel per legem terra*; which Words establish other Proceedings, that have been received here as Part of the Law of the Land: For else not only all the Proceedings in Ecclesiastical Courts are illegal, but also even those in the Courts of *Admiralty* and *Chancery*, which was not intended by that Chapter. Others said, that if Colleges were Ecclesiastical Corporations, an Appeal would lie to the *Chancery*, as from other Ecclesiastical Courts; but being Lay Corporations, they were under the Cognizance of the *Upper Bench*, which, according to *Bagg's Case*, is to judge of all Oppressions and Injuries in Corporations. But the Resolution of this Matter does not depend on the Nature of the Corporation, whether Lay, Ecclesiastical, or Mixt, but on the antient Right of Jurisdiction over it. Indeed Popes have sometimes claimed and pretended to have Jurisdiction over Colleges, by reason that many of them in these Western Parts of the World have been founded by Bishops in their several Churches and Dioceses (as elsewhere noted) and on this account they have assumed to themselves a Power at several Times here in *England*, when the Royal Power was weaken'd either by foreign Wars or Broils at home, thro' the means of a seditious Clergy, of granting Bulls of Exemption from the ordinary Jurisdiction, with a Design of bringing all Colleges in our Universities under the Power of the *Roman Bishop*: But our several Kings disallowing these Grants,

and

and having given the Founders of Colleges a Power of making Statutes for their own Societies, and of appointing Visitors with such Powers as they thought fit; these Colleges do now enjoy their Privileges under the same Grants and Authorities with the University it self.

Some have been of Opinion, That an Appeal in the Case of Colleges will lie to the House of Lords, as the Supream Court of all Appeals, and we have a Precedent hereof; but whether a warrantable one, must be submitted to the Determination of that Honourable House, which for many Years past hath confined the Jurisdiction within the true Limits of our Laws and Constitutions. In the Case of one *Anthony D'Anvers*, reported to the House of Lords, *January* the 21st, *Anno Domini* 1640. the Matter was this, *viz.* That this *D'Anvers* being related to the Lord Viscount *Say and Seal*, and consequently to *William* of *Wickham*, sometime Founder of the College near *Winchester*, and of *New College* in *Oxford*, had offer'd his Son to be received into the former, according to the Privilege of the Founder's Kinsmen, who ought to be elected and admitted thereinto *principaliter & ante omnes alios per viam specialis Prærogative* (as expressly commanded in the Statutes) in virtue of the Elector's Oath: But his Son having been denied four yearly Elections, he was at last entirely rejected. Upon a Complaint of this Grievance to the House of Lords, the two *Wardens* and *School-master* of *Winchester College*, being constant and standing Electors into the same, were order'd unanimously to be sent for; and on their Submission and the Consent of all Parties, the Lord Bishop of *Winchester* engag'd, that full Satisfaction should be made and given by the said *Wardens* and *School-master* to Mr.

D'An-

D'Arvers, for the Damage he had received herein, and that his Son should be admitted the next Election, and have some convenient Maintenance in the mean time from the College: And a Memorial of this Case was order'd to be recorded in the Lords Journal-Book, to prevent the like Wrongs for the Time to come. I have already observed, that a Visitor is said to make a general and formal Visitation, when he comes to visit the whole College, and to make a general Enquiry touching the due Observation of all the Statutes of such Society, as he may do once in two Years at *New College*, once in five Years at *Exeter College*, and so at other Colleges according to the Direction of their Statutes; and if he comes oftner *ex Officio*, without being called in by the College, his Visitation is null and void, and according to some he may be resisted, and according to others, restrained by a Prohibition. But these Words *de Biennio in Biennium*, and *de Quinquennio in Quinquennium*, are not to be understood restrictive of the Power given him, but as directive to him; for *eo nomine* that he is Visitor, he has a Power to come to hear Appeals and redress Grievances on particular Complaints made to him, which cannot be restrained but by Negative Words: And the same may be now said of his *Commissary*, who must be guided and governed by the Extent and Form of his Commission, and cannot exceed the Limits thereof by any Power of his forming.

The Oath *ex Officio* being taken away by a Statute of the Realm, no Visitor can or ought to make any Enquiry thereon touching Matters criminal, in order to compel any Person to accuse himself thereof, whereby such Person may be affected by way of Punishment; for if he
shou'd

thou'd be so rash, as to proceed to Punishment, on the Refusal of a Person to accuse himself, on Interrogatories thus administred; not only a Prohibition will lie against such irregular Proceedings, but if such Visitor does not absolve him from the Punishment inflicted on him, on a Request made and a Prohibition served, an Attachment may be brought against him; and he likewise hereby subjects himself to the Penalty of the Act, for the Law of the Realm, which restrains his Authority: Yet notwithstanding this, every Visitor has of *Common Right* the Power of Administring an Oath, and Requiring the Parties to answer upon Oath in all Statutable Matters, which are not of a Criminal Nature, tho' they should respect himself; as touching Matrimony, a temporal Estate, an Ecclesiastical Benefice or Dignity exceeding such a Value, &c. And the Reason of this Distinction is, because the latter are Things *Honest* and *Lawful*; and consequently in no wise penal, and liable to the Scandal and Infamy of Expulsion. Yet to live under such a State of Disobedience to the Founder's Statutes, is some Taint to a good Man's Reputation; because by his silent and ~~private~~ Dealing in these Matters, and his not receding from the College on such reasonable Grounds, and the Founder's Monition commanding him so to do, he grows guilty of a Contempt and Violation of that Statute, whereunto no Penalty is annexed; and therefore, in the Judgment of certain Wise and Learned Men, he is thought to incur the Guilt, tho' not the Punishment of Perjury. But I will not here brand this Disobedience with so hard and foul a Censure, *Quia viri boni gravesque aliter senserunt.*

Where

Where a Founder names a Visitor, and prohibits Appeals from him ; yet this does not restrain the Liberty of Appeals made from him.

Magdalene College in Oxford is founded absque Raym. Rep. ullo Appellationis Remedio ; and yet it was resolved between Dr. Pierce and Dr. Tarbury, that

such Clause does not restrain an Appeal from the Visitor. See the Clause of *omni Appellatione remotâ*. *Coke Instit. Part 4th, page 340.*

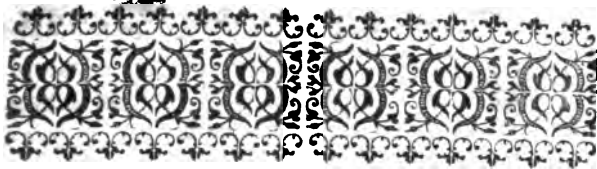
A Visitor, in all his Enquiries and Determinations, made either by way of general Visitation, or on a particular Complaint, ought to proceed *summarie, simpliciter, & de plano, sine strepitu & figura judicii, i. e.* according to the *meer Law and Right of Nations*, wherein Matters of necessary Substance, and not of positive Form, are observed ; as that there ought to be some Matter or Accusation deduced in Writing, and given to the Party accused, or against whom the Complaint is lodged, and a convenient Time assigned him to give an Answer thereunto, a Day for the hearing of Evidence, on the Denial of any Fact alledged in the said Accusation or Complaint, and so of other Matters, unto which we have a *Common and Natural Right*, not to be lost or destroyed by any Local or more general Ordinance and Statute whatsoever : As for instance, an absent Person has a *Natural Right* to be cited for his Appearance, before he can be proceeded against ; and if any Visitor shou'd be so unadvised, as to proceed contrary hereunto, there wou'd be just Grounds for an Appeal in Law ; and such an Appeal ought to be received, notwithstanding the Prohibition of any Statute : For all Laws prohibiting Appeals are odious, and ought to be restrained, forasmuch as they are made against the Rules of *Common Right*, which regularly

Marant. Prax. de Appel. n.

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permit Appeals from every Act. Yet notwithstanding this *Summary* Way of Proceeding, a Visitor ought to have a particular Regard to the positive Form prescribed and directed in the Founder's Statutes; as necessary Orders and Solemnities, not to be omitted or inverted on any account, in his Judicial or Extrajudicial Proceedings.

Nor is this *plain* and *summary* Method of Trial only consistent with the Common Law, and the express Provision of the Statutes of some particular Colleges; but it also well agrees with the principal Design and Intention of their respective Founders, who made them Visitors; which was to exclude (if possible) all long and tedious Law-suits, which disquiet the Thoughts, eat out the Time, exhaust the Pur-ses of all who are concerned in them, and finally lay the Foundation of perpetual Feuds and Animosities in Colleges. When a Visitor comes to a College, to exercise his Jurisdiction as Visitor thereof, Procurations, *i. e.* his necessary Expences, are to be allowed him, and he is to be maintain'd in Eating and Drinking at the Cost of the College visited: But he ought not to be grievous in his said Procurations; to prevent which, Founders of Colleges have in their Statutes settled a determin'd Allowance upon all such Occasions, for the Generality of them: And thus much of *Local Visitors* of Colleges, and of their Power, as warranted by Custom, Law, and Common Right.

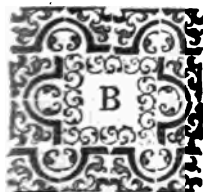


THE
Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.

PART III.

CHAP. I.

An Account of the Laws, Statutes, and Privileges of the University of Oxford, and such of the Laws and Statutes of the Realm, which do any wise concern the same.



BEING now come to the Third and Last Part of this Undertaking, which exhibits an Account of the Laws, Statutes and Privileges of the University of Oxford; I shall first of all consider this University as a Body Politick

Vol. II. G or

or Corporate, having all the necessary Qualifications thereof, both from antient Royal Charters, and from Acts of Parliament.

Some Persons have indeed endeavour'd to maintain the same to be rather an Ecclesiastical than a Lay Corporation, in respect of the many Privileges and Immunities now enjoyed by us, and of which only Ecclesiasticks are capable : And to this End it may not be amiss to take notice, what *Choppinus* (a Learned French Lawyer) writes concerning the University of *Paris*; of which, he says, there has been a Question made in this respect ; and that some were of an Opinion, That it being founded by *Charles* the Great, and now remaining under the Patronage of the Kings of *France*, and endowed with many Privileges by them, it ought to be reputed rather a Lay than an Ecclesiastical Corporation. Others likewise affirm, that it has also received many great Privileges and Immunities from the Bishop of *Rome* ; and *Panormitan* avers it to be an Ecclesiastical Corporation, because the greater part of the University are *Divines* ; and *Cosmo Guymarius* (another Learned Author) holds, that this University is a mixt Body ; and, the Mixture consider'd in regard of the greater Number of Clerks, it may rather be accounted an Ecclesiastical than a Lay Body ; which Opinion is much confirmed, for that in the Council of *Constance*, the Deputies of the University of *Paris* had their Places assign'd them among others of the Clergy, and not among the Lay Deputies : And this was also the Condition of the University of *Oxford* in the same Council. But some say, that all Universities ought to follow the Condition of their Founders and Benefactors, and the Qualifications of the Persons, of which they consist ; and therefore Universities

See Part 1st,
pag. 160.

ties are either *Lay* or *Spiritual* Corporations, according to these Foundations and Principles. For the true understanding whereof, I shall consider, who are deemed in Law to be Clergy-men or Ecclesiastical Persons; and *Lyndwood* says, that an Ecclesiastical Person is not only one, who is ordained; but any one deputed or designed for the Service of the Church, not only *Secular*, but also *Regular* or *Religious* Persons; and some also who are of a *Lay* Condition, as heretofore the *Templars* and *Hospitallers*: And that under the Name of Clerks are comprehended all those, who are ordained to perform Divine Service and Offices of the Church, both of the greater and lesser Orders; even all those, who were wont to have the *prima Tonsura*: And accordingly Arch-Bishop *Stratford*, in a Provincial Constitution enjoining the Clergy to observe the *prima Tonsura* and the Clerical Habit, requires likewise the Students in the University, bearing themselves as Clerks, to observe the same, under the Pain of rendering themselves incapable of Degrees in the University, until they conform themselves in these things: And upon this Foundation it is, that *Salycetus*, *Bellarmin*, *Moneta*, and others quoted by *Escobar*, will have Universities to be Ecclesiastical Bodies, and consequently to enjoy Ecclesiastical Jurisdiction; and *Balboa* alledges many Authorities in Law for this Opinion, in his Arguments and Quotations for the University of *Salamanca*. As, first, that general Studies cannot or (at least) are not wont to be erected without the Pope's Authority, and his Confirmation of their Statutes and Privileges, in no wise necessary, if Universities were Secular Bodies: 2dly, Because that in Universities, Clerks are always conversant; and altho' they should be of the lesser

Part, yet all the Students are indistinctly stiled *Clerks*; and therefore *Scholars* Delinquent do not enjoy the Immunity of the Church; which they would surely do, if they were subject to a Secular Jurisdiction; for the Immunity of the Church was instituted for Delinquent Seculars: and again, the Scholars Judge in all Universities might be a Secular Person, if they were Secular Corporations. 3dly, Because of *Dignity* and the *Canon Law*, which are taught therein, and ordained for the sake of Religion, it is to be supposed, that they would from hence be exempt from all Secular Power and Jurisdiction. 4thly, from a Parity of Reason, because that all Colleges erected for the sake of Learning, by the Intervention of the Ecclesiastical Power, are in the *Canon Law* adjudged to be *Ecclesiastical Corporations*; therefore for the same Reason, all Universities, erected for publick Study, and confirm'd by Papal Authority, are therein adjudged to be *Ecclesiastical Bodies*. 5thly, Because the Rector or Chancellor thereof may pronounce Ecclesiastical Censures against the Students; nay, even against the *Clerks*, in every Cause, whether *Civil* or *Spiritual*. And therefore the Rector or Chancellor exercising Ecclesiastical Jurisdiction, the Body must be Ecclesiastical also.

*Gutier. l. 1.
99. cap. 36.
Azevedo Leg.
10. a Num.
25. Garcias
de Ben. p. 5.
cap. a Num.
604.*

In the University of *Oxford*, the Founders of Colleges have generally provided, not only that the Heads and Governors of their Houses should be Divines; but that the Fellows also shou'd in a competent Time, enter into Holy Orders; and that the Scholars from their first Admission should be stiled *Clerks*. So *William of Wickham*, the Founder of *New College* in *Oxford* and the College near *Winchester*, in the Preface to his Statutes says, That he had founded

Ch. I. of the University of OXFORD.

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one perpetual College of Scholars-Clerks in the University of *Oxford*; and also another College of Scholars-Clerks, near the City of *Winchester*; by Authority both *Royal* and *Apostolic*:

And thus *William* of *Wainfleet*, the Founder of *Magdalene College*, says the same concerning those of his Foundation; and no doubt but that all Founders being Bishops, who are the greater Part, have done the like.

In the Charters of Privileges granted to this University, the Scholars thereof are frequently called *Clerks*: So *Henry* the 3^d ordains, that the University-Clerks should have Letters Patents of Protection: and in the 49th Year of his Reign, he exempts Clerks, having somewhat of Lay-Fee, from serving upon Juries. King *Edward* the 3^d grants, that in all Causes, where a Clerk is one Party, in Contracts and Trespasses, the Chancellor of the University shou'd have Cognizance thereof: And King *Richard* the 2^d also grants, that in all Causes concerning Clerks, the King's Prohibition shou'd not lie or issue forth. And sometimes Clerks are expressly distinguish'd from Laymen: So *Henry* the 3^d ordains, that in regard Laymen are affected to Clerks, all Rates and Taxes shall be made by the Chancellor of the University: And King *Henry* the 8th, for the like Reason grants the same concerning Fifteenths, &c.

In respect of this Qualification, the University antiently had divers Impropriations and Ecclesiastical Benefices annex'd to and conferr'd on it, of which it had not been capable, if it were not an Ecclesiastical Corporation; and in this Respect, the Chancellor of this University has acquir'd and executed Ecclesiastical Jurisdiction, which otherwise he cou'd not have

done; and lastly, in this respect, the said Chancellor has had a Place in Provincial Synods among the Clergy, and the University has sent its Deputies to General Councils, into which they have been admitted.

Arch-Bishop Parker, in his Antiquities of the British Church, affirms; that Universities were represented by their Deputies in Provincial Synods or Councils; altho' since our Chancellors have been chosen from amongst the Temporal Lords and Bishops, who have Places in the Upper House of Parliament, this Representation has been discontinued.

Thus the Reader has the Opinions of several eminent Lawyers and Historians, in respect of Universities being *Lay* or *Ecclesiastical* Corporations in foreign Countries, where the Papal Authority domineers and lords it over the Regal Supremacy: But in England, especially since the Reformation of Religion, our two Universities have been ever held to be *Lay* Corporations, of a mixt Jurisdiction, partly *Civil* and partly *Ecclesiastical*, deriving the same not altogether from Royal Grants, but from more antient Description. Indeed Popes have frequently attempted to draw the same under their Jurisdiction, both by encouraging of Appeals to the Court of Rome, and by granting of Bulls of Exemption and other Privileges; nay, even by attempting the Confirmation of them and their Statutes. Yet our wise Kings, when they have been free from heavy Wars from abroad, and from the Regular Clergy, the Pope's Jurisdiction, at home, have ever asserted their sole Right over these Universities, by rescinding those Papal Bulls, and other Pretences to Power, which had been by Usurpation imposed on them and their Subjects; as the Reader will find in the First Part of this Work.

Sir

Mr. Edward Coke, in his Comment upon *Littleton*, says, that a Corporation or Body Politick may commence and be established three Ways, viz. by Prescription, Letters Patents, and Act of Parliament; and *Lyndwood*, in his Gloss on the Provincial Constitutions, writes, that Universities may be raised by Grant or Privilege, and also by Custom, thro' Time immemorial. Mr. John Stratford having been sent as a Syn-Towne's Clerk from the University of Oxford to the Court p. 292.

of Rome, in a Cause against the Preaching Friars, did in his Supplication to the Pope then declare, That the University of Masters and Scholars at Oxford, in the Diocess of Lincoln, was founded and instituted Time out of Mind, and had been approved as well by the Popes of Rome as by the Kings of England: And in another place he undertakes to shew, That it was antiently a Corporation in other respects; as 1st, that it has been antiently asserted to be such by all the Members of the University. 2^{dly}, That antiently it had a publick Seal. 3^{dly}, That in this Capacity it had antiently received and enjoyed Lands and Possessions, &c.

Being the first, *Oliver Sutton*, Bishop of Lin. A.D. 1280. made some Dispute, by questioning some Customs of the University, as not consisting with its Condition, being no Corporation; but the whole University of Masters in Congregation assembled, taking the same into consideration, did unanimously assert and maintain the University of Oxford (as a Body Corporate Time out of Mind) to have been in full Possession of these Customs. As to the second, there being a Person employed to go to the Court of Rome against some Preaching Friars, he produced for his Authority an Indenture under our publick Seal, whereon was the Image of a Man

Setting in a Chair under a Canopy, and of many Persons at his Feet, having in the Circumference this Inscription, *viz. in English, The Seal of the University of Oxford.* In the Reign of *Edward* the Third, on a Mutiny among the Masters in the Congregation about the Choice of a Chancellor, the Chest wherein this Seal was kept was broke open, and the same being deliver'd to the Chancellor, he presently expelled the Proctors for their Opposition of his Election; but they were soon afterwards by the King restored, and he forced to deliver the Seal to them. And as to the Third, it is well known, that in the Reigns of *Edward* the First, and *Edward* the Second, certain Messuages were given to the University by *Walter*, Bishop of *Easter*, and *Raynold le Bedell*, to be held in Mortmain for the Maintenance of poor Scholars, called *Chamberdekins*.

Touching the Incorporation of the University by Act of Parliament, 'tis well known, that, in the 13th Year of Queen *Elizabeth*, it was expressly enacted by the Authority of the Queen, Lords and Commons, that the Earl of *Leicester*, then Chancellor of this University, and his Successors for ever, and the Masters and Scholars thereof, for the Time being, shall be incorporate, and have a perpetual Succession in Fact, Deed and Name, by the Name of the Chancellor, Masters and Scholars of the University of *Oxford*, &c. And that they have a common Seal for their necessary Occasions, and may sue and be sued for all Manner of Causes, Quarrels, Actions real, personal, and mixt, of what Kind, Nature or Quality soever they be. And as Queen *Elizabeth* did, in that Manner by Act of Parliament, incorporate both Universities; so did King *James* the First, by
 Lec-

Letters Patents, impower them to send Burgesſes to Parliament. In the Chancellorſhip of *Lionel Wideville*, the Cooks at *Oxford* were erected into a Society or Corporation, as appears by the Charter granted unto them; which was afterwards ratify'd and confirm'd in the Reign of King *Edward* the Sixth, by Dr. *Rich. Marſhal*, Vice-chancellor of the Univerſity; and Dr. *Humphreys*, Preſident of *Maudlins*, in his Vice-chancellorſhip, appointed them a Sermon to be preach'd at St. *Peter's*-Church in the Eaſt, on *Good Friday*; which Inſtitution has prevail'd and continued in Uſe to this very Day. The Company of *Barbours* at *Oxford*, was firſt incorporated in the Chancellorſhip of *John de Northwode*, as appears from his Charter of Incorporation; but this Chaſter has ſince been renew'd unto them by the Convocation in the Vice-chancellorſhip of Dr. *Bathurſt*.

Justice Finchden, a Man of great Eſteem for 4 *Edw.* 3. 17, his Knowledge in the Laws of *England*, on the Occaſion of a Queſtion concerning a Privilege of the Univerſity of *Oxford*, in the *Common Pleas* at *Weſtmiſter*, ſaid, It was great Reaſon that they, who were the Inſtruments of ſo much Good in the Common-wealth, ſhould have beneficial Cuſtoms for the Maintenance of their Societies; and that the King, as Guardian of the Realm, has Power and Authority, by his Prerogative, to grant many Privileges thereunto for the Publick Good, tho', at firſt View, they appear againſt the *Common Law*; and he gives an inſtance in the Privileges granted to the Scholars of the Univerſities, and the Merchants of the Staple. And King *Edward* the 27 *Edw.* 3. 29. Third, in his Charters and Grants to this Univerſity, declares the ſame; for the ſaid King in a moſt gracious Charter, by which he aim'd at

that the Restitution and Supplement of the Scholars at Oxford, dispersed and driven from thence by the Violence of the Townsmen, premises, That among other Things, by which the Condition of Kings and Kingdoms is advanced, and the Profit and Quiet of Subjects preserved, the chiefest seems to be the mutual Conjunction of Power and Strength, with Wisdom especially deriv'd from Learning: For military Power, unless regulated by Wisdom, easily miscarries; as a Ship without a Rudder expos'd to Storms suddenly perishes: And 'tis a common Observation, that where the Studies of the Liberal Arts and Sciences have most prevailed, there the Temporal Milice has likewise flourish'd, and the Grandeur of the State been establish'd (as in France under the late Administration of Colbert :) And whereas the University of Oxford, as the Fountain and chief Stream of these Studies, has, in an eminent Manner, dispersed the Dew of Learning throughout the Realm of England, and as a fruitful Vine has put forth many useful Branches into the Lord's Vineyard, i. e. most learned Men, by whose Abilities both the Church and State are many ways adorned and strengthened, he in Consideration thereof ordains, &c. And King Henry the Eighth, in the Preface to that ample Charter granted by him thro' the Intercession of Cardinal Wolsey to this University, expresses himself in the like Manner. Pope Boniface the Eighth, in the Preamble of his Bull, exempting this University as much as in him lay, from Archbishopial and Episcopal Jurisdiction, signifies, That he thought it worthy and due, that gracious Favours, and the Helps of proper Liberties and Conveniences be extended to Persons attending the Studies of Learning; by whom

14 Hen. 8.

whom the Catholic Faith, and the Worship of God is promoted, Justice preserv'd, and both publick and private Affairs well order'd for the Prosperity of Mankind.

Though this University be situate within the Diocess and Arch-Deaconry of Oxford, and the Clergy ordinarily, in Causes Ecclesiastical, are subject to the Diocesan and the Arch-Deacon; yet the Chancellor of the University, in all such Causes happening betwixt Scholars, for time immemorial has used and been accusom'd to exercise Jurisdiction; and that by such Use and Custom Ecclesiastical Jurisdiction may be acquired, *Londons* affirms; and this is well proved by Authority out of the Canon Law, as when the Bishop of *Bile* consulted Pope *Innocent* the Third, whether, upon a Complaint made unto him, he might proceed against some Clergy belonging to the Chapter of that Place, the Chapter claiming Jurisdiction over them: He answer'd, That those who had Cause of Complaint ought to have recourse to him, as their Ordinary; for any thing done in his Diocess, until the Chapter had Right to claim the Jurisdiction by Privilege; that is, by Grant, or by special Custom; where the Gloss likewise notes, that Custom is sufficient to make a Jurisdiction: And that the Chancellor of this University has exercised Jurisdiction among Scholars and others in Ecclesiastical Causes for a great Length of Time; appears from very ancient Records.

Those who have contended to render this an Ecclesiastical Corporation, affirm, That the Chancellors original Jurisdiction was Ecclesiastical, and that Ecclesiastical Persons being capable to prescribe to Temporal Jurisdiction, were much more able to receive it by Grant from the Kings

Kings of this Realm; and that the Civil or Temporal Jurisdiction was ~~added~~ ^{added} to it; both for the Confirmation and Augmentation thereof: From whence it was, that the Chancellor's Court was secur'd from Prohibitions by King Edward the First, Second, and Third.

The Right of proving Wills, granting Letters of Administration, and passing Accounts, have always (say they) been held to be special Parts of Ecclesiastical Jurisdiction; and what the Chancellor's Right was in those Matters anciently; is attested by an Administration granted in the Seventh of Edward the Sixth, where *Thomas Symmons*, Fellow of *Adriam College*, dying, made his Will; but the Executors refusing to prove the same, an Administration was granted, with the Will annex'd in the King's Name, yet in Right of the Chancellor of the University, to *Robert Barnes* and *William Sneyb*, Fellows of the same College; wherein it is declared, That in that Case the Power of disposing of the deceased's Goods and Debts, and of committing the Administration thereof, and of taking and passing an Account, did not only belong to the Chancellor of the University, but wholly, by ancient and landable Custom, lawfully prescrib'd; and quietly enjoy'd that time without Interruption. To which may be added, That Mr. *Selden*, in his *Dissertations* upon *Heir*, writes, that to the Bishops Consistories divers other Courts have been added, as the Courts of many Abbots; to whom the Privilege of Spiritual Jurisdiction was allow'd, and the Courts of both the Universities.

In the Ninth Year of Edward the Third's Reign, *Robert Stratford*, Chancellor of this University, supplicated him; that whereas the said Chancellor had all Manner of Jurisdiction

dition over Scholars of the University, and Lay-men contracting with them, or offending against them, with Power to constrain and punish them by all Manner of Coertion and Censures; and that some of them being convened, as well by reason of their Contracts, as for their Offences, Contumacies, and Rebellions, had incurred the Sentence of the greater Excommunication, and betaken themselves to Places far remote, slighting these Sentences, and persevering under them, for the Space of 40 Days; that thereupon he would grant, that upon signifying them by the Chancellor, the usual Writs for arresting them, as is accustom'd, upon the Signification made by Bishops and Ordinaries, might be awarded. He, desirous to proceed for the Tranquillity of the University by all possible means, and willing to afford a fit Remedy against Contumacious and Rebellious Persons, granted, that upon Signification made by the Chancellor of the University by his Letters Patents, that Writs should be issued out of the Chancery for arresting such excommunicated Persons, in the like Manner as has been accustom'd upon the Signification of the Bishops and Ordinaries, for the Space of three Years. And in the 12th Year of his Reign, on the Request of Robert, Bishop of Chichester, and Chancellor of the University, the same was granted for the Space of three Years longer; and after several Continuances of this Power by divers Kings, the same was made perpetual by Henry the Eighth.

14 Edw. 3.
18 Edw. 3.
2 Ric. 2.
16 Ric. 2.
1 Hen. 4.

A Privilege is said to be as it were a private Law, and *extra jus Commune*; but such Privilege obtain'd contrary to the publick Utility of the Realm is not valid; nor can the Privilege of one Person destroy and take away the Privilege

lege of another; nor ought to be granted to the Damage and Prejudice of another; and every Privilege ceases, when the Cause and Reason of such Privilege ceases; thus a Privilege granted in Respect of any certain Quality, lasts and endures so long as such Quality remains, and no longer. Privileges granted to Universities and Colleges, are not lost and forfeited on or by reason of the Offence and Contravention of particular Persons: And as Privileges granted to Scholars are extended to their Servants, and such Persons as dwell with them in their Studies; so are Privileges granted to Colleges and Universities, granted also to their Servants and Familiars.

Although every privileged Person may regularly waive and renounce the Privilege granted to him either by the Law, or by the Prince, of suing, or of being sued, in any certain Court annex'd to such Privilege, so that the Consent of the Judge is not necessary, but the Consent of Parties is sufficient; yet this Rule proceeds no further than this, *viz.* That when the Privilege of such Court is principally granted for the Honour and for the Advantage of the Person who has this Privilege.

A Privilege is either *Personal* or *Real*. *Personal* Privilege follows the Person of him to whom it is granted, and dies with him, if the final Cause of granting such Privilege be extinguished; but where the final Cause of granting such a Privilege is not extinguished, either through the Death or Means of the Party privileged, such Privilege does not expire: For *cessante causa finali, cessat effectus; non cessante causa, durat effectus.*

He that alleges a Privilege, ought to prove the same; because a Privilege as it is a Matter,

s not presumed; and a Privilege is not prov'd by the Usage thereof, but by a just and good Title thereunto; for he that avers a Privilege, alleges *malam fidem*, unless he proves a Title hereunto.

There is this Difference between an Indulgence and a Privilege, that an Indulgence, properly speaking, is a Dispensation, which is granted not contrary to the Common Law, but contrary to the Statutes and Rules of a particular Foundation: Whereas a Privilege is a proper and private Right, granted to any Person or Corporation contrary to the Rules of the Common Law: For Privileges are Abatements of Common Right, because they add *privato juri*.

The Title of a *Physician* does not privilege and exempt a Person, who is chosen Constable of a Parish; for there is a Difference between a *Lawyer* and a *Physician*, the former enjoying his Privilege by reason of his Attendance in publick Courts, and not on the Account of any private Business in his Chambers: But a *Physician's* Calling is a private Calling.

In a Convocation held on the 4th of June, 1565. it was decreed, that whereas divers privileged Persons enjoy'd the Privileges of the University, and the Freedom of the City of Oxford at the same time, in Repugnancy to the Statutes and Customs of the University, they should either renounce all Jurisdiction which the City claim'd over them, or wholly wave and quit their Claim to the University-Privileges; for that the University would not suffer them to be of both Corporations. See also the Decree of the Convocation of the 2d of April, 1576, Register K.

The Year here in the University of Oxford is divided into four Terms; the first begins the

10th of *October*, and ends the 17th of *December*, and is called *Michaelmas-Term*; the second, called *Hilary* or *Lent-Term*, begins the 14th of *January*, and ends the *Saturday* before *Palm-Sunday*; the third, called *Easter-Term*, begins the 10th Day after *Easter*, and ends the *Thursday* before *Whitsunday*; the Fourth is called *Trinity* or *Asc-Term*, beginning the *Wednesday* after *Trinity-Sunday*, and ending after the *Act*, sooner or later, as the Vice-Chancellor or Convocation shall think meet. If the Beginning or End of any Term shall happen on a Holy-day, the Beginning and Ending of the same shall be delayed and put off to the Day immediately following. Full Term is said to be begun as to Exercises, the first Day of the Week ensuing the first Congregation; so that if the Term begins on a Sunday, the Sunday following begins the Full Term. The Day before the Beginning of each Term, there is a *Latin* Sermon preach'd by some Doctor or Batchelor in Divinity, to the Clergy in *St. Mary's Church*, immediately after Prayers, according to the Liturgy of the Church of *England*; and no one can preach this Sermon, unless he be in holy Orders, a Graduate in Divinity, or at least four Years standing Master in Arts on the Divinity Line, and admitted to preach by the Vice-Chancellor; who is to read these Prayers, and all others, upon any Occasion, either by himself, his Deputy, or some other publick Professor of Divinity, or some Doctor of Divinity, or Head of a House, substituted hereunto by the Chancellor, Vice-Chancellor, or his Deputy; and celebrate all other Divine Offices then and there to be performed, the Litany excepted, which is to be sung by two Masters of Arts there present, and of the Proctors Appointment, by their

their Monition or Request to them by a Beadle; and if any one hereunto admonish'd, or requir'd, shall refuse thus to sing, they shall be mulct'd in the Sum of five Shillings, to the Use of the University; and the Proctors shall appoint others there present, till some take this Office on them; and if no Body will do it, the Proctors shall be obliged to sing it themselves. After Prayers and Sermon ended, there is a Sacrament or Communion for such as will worthily receive the same, according to the Canons and Discipline of the *English* Church; and thus is every Term with great Solemnity entred upon.

Matriculation, or the Registring of Names is so called from the *Latin* Word *Matricula* anciently signifying a *Kalendar*, or Register of Names, such as is kept in every Parish for the Registring the Names of Persons baptized, married or buried; and among Soldiers it signifies a Muster-Roll: Thus in the Church, there was the *Matricula Clericorum*, being a List or Catalogue of the Officiating Clergy; and a *Matricula Pauperum*, a Kalendar of the Poor, who receive Alms, &c. In the University of Oxford, this *Matricula* or Register is kept by one of the superior Beadles (usually the Law-Beadle) into which Book the Name of every Person is entred, who is willing to become a Member of this University. And all Persons so registr'd, after their taking the usual Oath, to keep and maintain the Privileges, Customs and Statutes of the University, (if above 16 Years of Age) shall be deem'd and had as privileged of the same, by the Charter of *Hen. 8.*

Every Student or Scholar of what Condition soever he be, ought within 15 Days after his first Coming hither, to appear before the Chan-

cellor or his Commissary, for this his Matriculation; nor can any Student or Scholar enjoy any of the Privileges of the University, till he becomes matriculated: And if any one lawfully admonished hereunto by the Head of any College or Hall, or his Deputy, shall neglect or refuse the same, he is mulcted in the Sum of 6*s*. 8*d*. for every 15 Days of his Delay to the Use of the University. All matriculated Persons of 16 Years of Age are to subscribe the 39 Articles, and to take the Oaths of Allegiance and Supremacy, and also an Oath to bear true Fidelity to the University, in the Observance of its Statutes, Customs and Privileges: But if the Person to be matriculated be under 16 and above 12 Years old, he only subscribes the aforesaid Articles, and is matriculated; and if he be under 12 Years, he is only matriculated; and in each Case as soon as he arrives at a mature Age, he shall perform every thing necessary to his Matriculation, under the aforesaid Penalty.

All Heads of Colleges and Halls, and in their Absence their Deputies, are obliged within 15 Days from the Time of any Scholars Admission into their Colleges and Halls, to see that this Matriculation be duly observed; and it is the Duty of the Person's Tutor to go along with him, and there, upon the Oath which he hath taken to the University, to give an Account of the Condition and Quality of the Person to be matriculated, *viz.* whether the Son of a Nobleman, Knight, Doctor, Esquire, &c. And on the Tutor's Refusal to give the Vice-Chancellor this Account, he shall be interdicted the Office of a Tutor. And if the Head of the House, or his Deputy, does not compel such Person to appear and qualify himself to be a Member of the University, upon Notice given to him by the

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Superior Beadle in *Law* or *Divinity*, that such Person is not matriculated within the aforesaid Time, he shall be mulcted in the Sum of 3 s. 4 d. for every 15 Days Delay, after such Notice given to him.

All Students, of what Condition soever, are to be admitted into some College or Hall, within a Week from their first coming to the University; where they are to take their constant Victuals and Lodging, and not to diet or lodge in any private House, upon any Account beyond the said Time, unless the Chancellor or Vice-Chancellor approves the Reason thereof, under the Pain of Losing the Privileges of the University for this Offence; and upon a growing Contumacy herein, under the Pain of Imprisonment or Expulsion: Yet Scholars may lodge in any Houses or Tenements annex'd or to be annex'd to Colleges or Halls, wherein Towns-men do not keep a Family: No Houses can be thus annex'd, unless they are so situate, that Entrance be to them only by the Common Gate or Door of the Hall or College, which is in the Care of the Chancellor or his Commissary.

Scholars in every Hall and College are each of them to have their Tutors from their immediate coming hither till they are promoted to some degree, or (at least) have compleated 4 Years time here, as Students in the *Civil Law*: And no one may be a Tutor, unless a Graduate in some Faculty, a Person of Learning and Probity, and also of sound Religion, to be approv'd by the Head of the House wherein he lives, and if any Dispute arises about the same, the Matter is to be adjudg'd of by the Vice-Chancellor: And if it appears to the Vice-Chancellor by Legal Proofs, that such Tutor is insufficient, and not qualified, the Vice-Chancellor may in-

terdict him the Office of Tutor for altogether; which Office consists in instructing the Scholars committed to his Tuition in good Manners and approved Authors, and in the Principles of the Christian Religion, as derived from sacred Writ, and not from the idle Systems and distinguishing Institutions of Men, whose Business it is for filthy Lucre's sake, rather to divide than unite us in the true Catholick Faith and Doctrine of *Jesus Christ*; and if any one shall offend herein, he shall be punish'd according to the Discretion of the Chancellor or his Vice-Chancellor. It is also incumbent on the Tutor, to take Care and see that his Pupil be statutable in his *Habit, &c.* and for any Delinquency of his Pupil, the Tutor shall be mulcted 6 *s.* 8 *d.* for the first, second, and third Time; and for the fourth Time the Vice-Chancellor shall interdict him the Office of a Tutor.

No Head of a College or Hall can admit any Scholar, of his own Accord, leaving another College or Hall, without Leave first obtain'd under the Hand-writing of the other Head, who ought to bear Witness of his Life and Conversation, and specify the Cause of such Scholar's Departure; that the Chancellor of the University, for the time being, may approve the same, (if reasonable) by calling before him such Head, and examining into the same; and if such Head shall transgress herein, he shall forfeit 40 *s.* for the Admission of every Person thus admitted. And if any Scholar shall be expell'd any College or Hall, he shall not be admitted into any other College or Hall, until the Chancellor shall by Cognizance of his Expulsion, and of the Punishment first inflicted on him *pro arbitrio suo*, deem him fit to be thus admitted, under the Pain of 40 *s.* for every Scholar admitted contrary to the Intention of this Statute, to be paid to the University

versity by such Head or his Deputy herein offending, and under the Pain of Bannition to be inflicted on the Scholar, whom the Vice-Chancellor has legally adjudg'd expell'd, as procuring to have himself thus admitted, before he has undergone the Punishment of the Vice-Chancellor's Imposition.

All Scholars in the Faculties of Arts (except the Sons of Barons, having a Right of Suffrage in the upper House of Parliament, and the eldest Sons of Baronets and Knights-Bachelors) do wait four Years, or sixteen Terms, to be reckon'd from the Day of their Matriculation, before they take a Bachelor's Degree; and diligently attend all publick Lectures, and do the other statutable Exercise for the same; such as *Generals*, *Juraments*, *Answering Under Bachelor*, &c. and are also bound to live in the University, and not in any private House, but in some College or Hall, *absque dolo malo*. The Persons above excepted take this Degree after three Years compleat standing in the University, and Barons Sons within less Time, if the Chancellor pleases, on performing the Exercise necessary hereunto, provided these Persons be not Fellows or Scholars of any other Foundation; but then they must be matriculated under such Title and Quality. *Generals* are Disputations on three *Logical* Questions from one a-Clock in the Afternoon till three, formerly called *Variations* and *Disputations* in the *Parvise*; and these are had every *Monday*, *Wednesday* and *Friday*, in full Term, in the publick Schools of Arts, under the Moderatorship of some senior Sophist, or Bachelor of Arts; and the Respondent, to this End, gives out his Questions, to be disputed on a Week before such Disputation, to be approved of by the Master of the Schools, immediately

Immediately after Massins, on ~~Wednesdays~~ and ~~Saturdays~~, (for which the Master receives 5 d.) with the Names of the Disputants, under Pain otherwise that this Exercise shall not go *pro forma*. And for the Inspection of this Business, the Proctors do *de quatuordecim quatuordecim* name four Masters, who ought regularly to preside and moderate herein, under the Pain of 3s. 4 d. *per diem* for absence. This Exercise is not to be perform'd till the Student be two Years and (big in the University, and three Terms (at least) after he supplicates for a Bachelors Degree, and then he is created *General*, *Ingenuus*, *Sophist*, immediately after the End of his Disputations; by one of the aforesaid Masters of the Natural Philosophy School. These *Ingenui Sophists* are obliged every Term afterwards, till they take this Degree, to dispute once at least in the *Parlour*, under Pain of the former Disputation not going *pro forma*, which is termed *Assentiments*, from the Oath taken at the Time of proceeding Bachelor, that they have done all the Statutable Exercise; and the Congregation cannot dispence with the making of *Ingenui Sophists* and *Assentiments*. When a Scholar is promoted *Senior Sophist*, the Master, ascending the *Rostrum*, makes a short Speech to him in praise of *Aristotle's* Logick; and exhorts him to the Study of good Letters; and this under the Pain of 10 s. if the Master neglects this duty, delivering *Aristotle's* Logick into the Scholar's Hands, who thereupon puts on the *Sophist's* Hood, and still then he is deemed properly a Scholar. If any Controversy arises about the *School* wherein this Exercise is to be done, it is decided by the Seniority of the Moderators; and if there be no Moderator, then by the Seniority of the Respondents, who are bound by 8 in the following

to fix up on the Publick School Gates the Questions to be disputed, with their own Names, and the Names of the College or Hall where unto they belong; which they ought not to pull down by themselves, or the Means of other, till the Disputations are ended, under Pain of 3s. 4d. on the Master's Complaint thereof to the Vice-Chancellor or Proctors. These Persons are attended from St. Mary's Church to the Schools, by one of the Yeomen Beadles, for which he receives 2 s. of every Scholar, to be equally divided amongst them, (I mean of such as answer *pro forma*, and not *pro termino*) which Beadle the same Day enters the Names of the *Senior Sophists* into a Book to be kept by the Yeomen Beadles, under the Forfeiture of 3 s. 4 d. to the University, for Default thereof *tries quodet*. In these Disputations in the *Parvise*, the Person is to answer once, and oppose once; *pro forma*, from one a Clock to three in the Afternoon.

Besides these *Generals* and *Jaruments* to be perform'd for this Degree, the Party must twice answer at *Lent Determinations* for an Hour and a Half under Batchelor, unless the Congregation shall think fit to commute his second Turn at *Determinations* into the other Turn of answering at *Generals*; but no one can answer at these *Determinations* until he has spent four Terms in the Study of *Grammar*, *Rhetorick*, and *Logick*; and only one can answer under this Batchelor in one and the same Day, the *Respondent* sitting opposite to the *Opponent*, under the Batchelor's Pew; and if the *Respondent* shall do otherwise, his Answer shall not be *pro forma*; and if the *Opponent* shall offend herein, the Vice-Chancellor and Proctors may punish him at Discretion.

From the Time of Admission to a Batchelor's Degree, every Artist is oblig'd to wait 12 Terms

in hearing of publick Lectures assign'd him, and in frequenting of Disputations, as well as disputing himself, before he can sue for his Grace in order to have a Master of Arts Degree: And if any one shall have done the necessary Exercise for a Master's Degree, and have spent the Residue of his Time in any other University, the same shall be allow'd him as spent herein, provided it appears by a Testimonial under the Seal of such University, where he professes himself to have studied, or by some other credible Evidence. As to the Exercise for a Master's Degree, it is decreed, That every Batchelor of Arts, after Admission to his Degree, shall solemnly determine in *Lent*; and these *Lent Disputations* are called *Determinations*, because they do determine and finish the Conditions of a Batchelor's Degree, and truly compleat the same; and also for the Degree of Master, he must answer at *Quodlibet* Disputations; so stiled because he must answer on three Questions to be propounded by any Master at Pleasure, after he has finish'd his *Lent Determinations*. Besides these *Determinations* and *Quodlibets*, such Batchelor must either as a *Respondent* or *Opponent*, dispute in *Austins*, speak two Declamations, and read six solemn Lectures, before he can be promoted to a Master's Degree. Every Batchelor presented to this Degree is oblig'd solemnly to determine the *Lent* following, unless his Grace be simply granted him, under the Pain of such Grace being not confirm'd to him, unless he alledges some Impediment to be approv'd by the Vice-Chancellor and Proctors; in which Case he may defer his Determination to the next *Lent*, then to be perform'd under the like Penalty. And to prevent all Tumults heretofore wont to happen about the Choice of *Collectors* in *Lent*, it is,

in Pursuance of the Statutes transmitted to the University by K. Ch. I. ordain'd, That the Proctors for the time being shall on *Egg-Saturday* appoint two of the *determining* Batchelors to serve this Office, each of the Proctors chusing one *Collector* out of some College or Hall at Pleasure; and if any Proctor shall be found guilty of Bribery in this Choice, he shall be removed from his Office *ipso facto*, and be oblig'd to refund all Fees and Sums of Money whatsoever by him received from the Batchelors of that Year, and forfeit the same to the University-Chest. These Collectors, as soon as admitted to their Office, are to go to their respective Halls and Colleges without any Noise or Disturbance; and not to entertain any Persons at all in their respective Colleges and Halls, with Computations, &c. under Pain of present Amotion from their Office by the Vice-Chancellor, and other Persons by the Proctors be substituted in the Places of the Parties thus offending and removed. The Office of these Collectors is, equally to distribute (as far as possible) the *determining* Batchelors into certain Classes, and to allot each of them their Schools separately, under the Pain of 10 s. to be insisted on the Collectors to the Use of the University, if he deputes two Batchelors at one and the same Time, to answer in the same School, and the like Penalty on any Batchelor intruding himself into a School assign'd to another; besides, such Exercise then done shall not go *pro forma*. These *Determinations* are had every Day of the Week, besides *Saturday* and *Sunday*, unless a Holy-Day happens, from the Beginning of *Lent* to the End of the Term, the *determining* Batchelors answering in their proper Turns, and in the publick Schools, according to the Order of the Class wherein they are placed.

placed. These *Collectors* take place according to the Time of their Presentation and Admission to their Batchelor's Degree, unless the Right of Seniority belongs to one of them *ratione promotionis*, i. e. by *Grand Compoundership*.

On *Ashwednesday*, according to an antient laudable Custom, immediately after the *Latin* Sermon preach'd to these *Determiners*, there is a Bell rings out, calling the *Presentator* or *Dean* of every College and Hall, with his *Determining* Batchelors of that *Lent*, attending him in their proper Habits, to the Schools, which they chuse according to the Seniority of every *Dean* or *Presentator*; and having made choice of their several Schools, the Dean or *Presentator* mounts the Pew, and has three Questions propounded to him in *Natural Philosophy*, with *Verses* read, briefly explaining the Sense thereof, by each of the *Determiners*; which Questions and Verses, as soon as propounded and read, one of the Senior Batchelors takes upon him to answer the *Dean*, who is always *Opponent*, after the *Dean* has propounded a *Syllogism* or two to his *Determiner*; who thereupon prays his *Aristotle* (for so is the Senior Responding Batchelor called) to answer for him, as long as the *Dean* shall think fit: And these Disputations hold and last from One a Clock till Five in the Afternoon, when the first *Determiner* in each School, in the Name of the rest surrounding, on his bended Knees, ought to return Thanks to the *Dean* and the *Aristotles*, or Senior Batchelors, under a certain Form of Words too needless here to express; and if any Person shall be Delinquent or wanting in any of the Premises, he shall be punish'd at the Discretion and Pleasure of the Vice-Chancellor and Proctors. Every *Saturday* Morning, from the

Begin-

Beginning of *Lent* to *Palm-Sunday*, all the *Determiners* are bound to meet at *St. Mary's Church* at Eight a Clock, for Prayers, according to the *English Liturgy*, and if any shall be absent, they shall be mulcted at the Discretion of the aforesaid Persons. After the End of Prayers, on the Vigil of *Palm-Sunday*, the Junior Proctor makes a Speech, rebuking all Errors committed in point of Learning during the *Lent*, as well as Offences against Good Manners, especially Tumults, Brawlings and Fightings, if any shall have happen'd; and commending such as have deserved well by their Disputations and their modest and peaceable Behaviour. On the *Thursday* and *Friday* immediately after *Ashwednesday*, the Collectors may assign as many *Determiners* to answer *pro forma* out of the Class or Order, as exceed the Number of Schools and the usual Days of Disputing; every *Determiner* answering twice in *Lent*, unless it shall be necessary sometimes for some Classes to answer thrice, by reason of the unequal Number of Days. And such as cannot be reduced into Classes, shall be assigned (as aforesaid) to answer on the *Thursday* and *Friday* next to *Ashwednesday*, and in the Afternoon of such Days; as Disputations are had in the Forenoon; and such *Determiners* as are superannuated to the Schools, shall determine in the *Divinity-School*. These Collectors in disposing their Classes ought to have special Regard to Persons of more eminent Condition and Quality, to place them so as they may have the Opportunity of praying a *Gracious Day*; and if the Collectors herein offend, they are to be mulcted at the Pleasure of the Vice-Chancellor and Proctors. On *Fridays*, Vigils of Feasts, and other Days, on which a Congregation of Regents is held, Disputations begin at Nine a Clock in the

the Forenoon, and end at Twelve, unless on *Gracious Days*, when they end at Eleven; and on all other Days they begin at One a Clock in the Afternoon, and end at Five; and as soon as these Disputations are ended, on the Ringing of the Bells, all Persons are to depart the Schools, under the Pain of 20 Shillings to be paid to the University, without assigning some reasonable Excuse, to be approv'd by the Vice-Chancellor. On *Mondays, Tuesdays, Wednesdays* and *Thursdays*, these Determiners dispute on *Logical Questions*, which they are oblig'd to defend, according to the Authority of their great Master *Aristotle*; and on *Fridays*, on *Grammatical, Rhetorical, Political, and Moral Problems*; in *Grammar* they are to follow the antient and received Authors; and in *Rhetorick, Politicks, and Moral Philosophy*, they are likewise bound to defend *Aristotle*, and the whole Doctrine of the *Peripateticks*, under Pain that if any one shall do otherwise, his Answer shall not be taken *pro forma*, and he shall be also mulcted Five Shillings *toties quoties*.

Every Batchelor of Arts, after his full *Determination*, ought once every Year to answer or oppose at *Austin* Disputations every Saturday in full Term, from One a Clock till Three in the *Natural Philosophy* School, if he be requir'd so to do by the Collectors hereunto deputed by a lawful Premonition of 15 Days; that is, if no Batchelors for 15 Days before shall offer themselves to these *Collectors* for to dispute *pro forma*; and if any Person shall refuse, if he has not disputed within half a Year before, his Exercise the Year before such Refusal, and the Year ensuing, shall not go *pro forma*. The Senior Batchelor at these Disputations shall have his Choice of opposing or answering, unless one

of the Disputants be a Baron's Son, having a Suffrage in the House of Lords, or may expend *de proprio* to the Value of 40 l. per Annum. But the Master of the Schools may also appoint *Wednesdays* for these Disputations, if he knows every *Saturday* for a Month together to be already taken up; and if these two Days are not enough for these Disputations, the Congregation may dispense with the same on any other Day, on a Certificate under the Hand-writing of the Masters of the Schools, that every one of the said Days appointed for *Austins* is already taken up, even to the End of the Term. The Questions are deliver'd to the Master of the Schools seven Days, and fix'd up on both the Schools Gates three Days before, under Pain, that this Exercise shall not go *pro forma*. The Proctors every Year, on their Entrance into their Office, are to name two Masters of Arts alternately in their own Persons, and not by another, to preside at *Austin* Disputations, unless it be in case of Sickness, or some extream Necessity, and the Person be substituted with the Consent of the Vice-Chancellor and Proctors: And moreover the Proctors are at the same time to name two Batchelors of Arts for *Collectors* at *Austins*, who are to see that there be no Want of these Disputations thro' a Defect of Disputants; and to which end, these Collectors alternately may order two Batchelors of Arts, beginning with the *Seniors* of the third Year, and so downwards *seriatim*, to dispute *pro termino*, &c. on 15 Days Premonition, if none offer themselves ready to dispute *pro forma*: and if the Persons thus premonished shall refuse to dispute, or shall not publish their Questions three Days beforehand, according to the Statute, the *Collectors* shall report their Names to the

the Proctors, for the immediate Punishment of this Offence; and if the *Collectors* shall be wanting in their Duty, either the Vice-Chancellor or one of the Proctors may mulct them in the Sum of 10 Shillings, to the Use of the University.

According to the antient Statutes of the University, all Persons were obliged cursorily to read certain prescript Books, before they became Licentiates in Arts; which Lectures being found by frequent Experience to be without any Benefit to the Readers or Hearers, all Proceeeders are now bound to read six solemn Lectures in the publick Schools, between the Hours of One and Two in Term Time, viz. Three in *Natural Philosophy*, and Three in *Ethicks*, without Borrowing or Transcribing from Authors, but purely of their own Composition; and each of these Lectures is to last above half an Hour.

Before any Person can proceed to a Batchelor of Musick's Degree, he ought to spend seven Years in the Study or Practice of Musick, and bring a Testimonial thereof under the Hands of credible Witnesses; and before he can supplicate for his Grace towards this Degree, he ought to compose one Song of Five Parts, and perform the same publickly in the *Musick-School*, with *Vocal* and *Instrumental* Musick: And a Batchelor of Musick, before he can be promoted to a Doctor's Degree in that Faculty, ought to spend Five Years, after taking a Batchelor's Degree, in the Theory or Practice of Musick, and have a Testimonial as aforesaid. For his Exercise, before he becomes an Inceptor in this Faculty, he ought to compose a Song of Six or Eight Parts, and perform the same as aforesaid.

A Student in the *Civil Law*, before he can attain a Batchelor's Degree in that Faculty, if he be a Master of Arts, ought to hear the publick Professor thereof read for three Years after his Admission to his Regency; but if he be a Student, who has not taken a Master's Degree, then he ought to have diligently attended the Reading of the publick Professor for five Years compleat; and such Student ought for two Years to apply himself to the Study of *Logic*, *Ethicks*, *Politicks*, and other Studies in *Humanity*, before he enter on the *Civil Law* Line, unless the Local Statutes of his College shall require him to apply himself to the Study of the Law sooner. Every Student in Law, before he can supplicate for his Grace, in order to take a Batchelor of Law's Degree, ought to perform two Turns at Law-Disputations, as principal Opponent *pro forma*, i. e. as first or second Opponent; and be once Respondens *pro forma* in the Law-School, from One a Clock till Three in the Afternoon: and if there be no Person to be Opponent for this Degree, the publick Professor himself may oppose, or his Deputy. For the Degree of a Doctor in *Civil Law*, a Person ought to hear the Professor of Law read for four Years (if he has proceeded Batchelor of Law on a Master of Arts Degree) to be computed from the Time of his Admission to his Batchelor of Law's Degree, before he can be an Inceptor in Law: But if he has only proceeded Batchelor of Law, then he shall be obliged to attend the Professor's publick Lectures for five Years from his said Batchelor's Degree, before he becomes a Doctor in Laws. Before a Batchelor of Law can be admitted to an Inceptorship in this Faculty, he ought publickly to read six solemn Lectures from One a Clock till

till Two each Day, therein explaining any Part of the whole Body of the Civil Law, as he pleases; or (at least) three Cursory Lectures on some one Title in the *Code* or *Digest*, viz. *de Judiciis*, *de Probationibus*, *On de Re judicata*, explaining either of the said Titles: And as for a Batchelor's Degree, the Questions ought to be fix'd up, together with the Names of the Disputants, for seven Days before Disputations, on each outer Gate of the Schools, and on the Walls of *All-Souls* and *Oriel College*, towards the Street: So likewise ought the Subject and Time of Reading for a Doctor of Law's Degree, to be fix'd up in the same Places for three Days beforehand.

By the antient Statutes of the University, a Student in *Physick* was not obliged to proceed Master of Arts, in order to acquire a Batchelor of *Physick's* Degree; but was only to attend the publick Lectures in that Faculty for six or seven Years for the said Degree; and if he was a Master of Arts, then three Years Attendance was accounted sufficient: But now by this new Body of Statutes, he must be promoted to a Master of Arts Degree, and afterwards attend the publick Lectures in *Physick* for three Years, before he can arrive at a Batchelor of *Physick's* Degree; and before he can have his *Grace* proposed, he must be once *Respondent* and once *Opponent pro forma*, from One a Clock in the Afternoon, on two Questions in *Physick*, in the School proper to this Faculty; and more than two cannot be *Opponents pro forma* the same Day. If there be no *Opponent* to dispute for this Degree, the publick Professor or his Deputy may be an *Opponent*; and the Questions, with the *Respondent* and *Opponent's* Names, are to be fix'd up in the same Places as at Law-Disputations.

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After a Batchelor's Degree, he is to wait four Years for a Doctor's Degree, and to read either six solemn Lectures from One a Clock till Two each Day, on any Part of *Galen's Works*, at pleasure, or three Cursory Lectures, by expounding some one of *Galen's Books*, as *de Temperamentis*, *de differentiis Febrrium*, *de usu Partium*, *vel de locis affectis*; and before he begins to read either *solemnly* or *cursorily*, he is to fix up the Time and Subject of his Lectures three Days at the least, in the same Places as a Doctor of Law is, *viz.* on the Corner-Walls of *All-Souls* and *Oriel College*, towards the Street, and on the two outer Gates of the publick Schools.

For a Batchelor of *Divinity's* Degree, a Man must first become a Master of Arts, and then hear the publick Professor in *Divinity* read for seven Years compleat, from the Time of his Admission to his Regency; and before his *Grace* be proposed for a Batchelor in *Divinity's* Degree, he ought to be *Opponent pro forma* twice, *i.e.* first and second Opponent at *Divinity Disputations*, and be once *Respondent pro forma* from One a Clock till Three in the Afternoon in the *Divinity School*; and moreover, besides these Disputations, he ought for his Exercise to preach a *Latin Sermon* in *St. Mary's Church*, of his own Composition, before he can be admitted to this Degree: But no one can preach this Sermon, unless he be in Holy Orders, and of five Years standing Master of Arts. Four Years after he has been promoted to the Degree of a Batchelor, he may be admitted to be an Inceptor in *Divinity*, on reading in publick six solemn Lectures from One a Clock till Two each Day in the *Divinity-School*, on any Part of the Holy Scripture at pleasure, or some one of

St. Paul's Epistles to the *Galatians*, *Timothy*, *Titus*, or of St. *Peter*, by way of three cursory Lectures: And three Days before he begins to read either solemnly or cursorily, he ought to signify the Time when he will read, and the Subject on which he intends to expound, by affixing the same up at the proper Places for a Doctor of Law's Degree; and a Batchelor of *Divinity* ought to signify the Questions, together with the Agents Names, for seven Days before Exercises, at the Places proper for a Batchelor of Law's Degree.

The Time appointed for taking each of these Degrees being sometimes expressed in Number of Years, and sometimes in Number of Terms, it is provided (to prevent all Cavil) that whenever the Time appointed for any Degree is reckon'd by Years, the same Measure is resolv'd into Terms, computing four Terms in each Year: as when three Years are requir'd, then 12 Terms are sufficient; so when four Years are requir'd, then 16 Terms are enough, &c. In Degrees taken by Under-Graduates, their Time is computed from the Time of their Matriculation; and if any one be matriculated in the Vacation Time, it is reckon'd from the Term following his Matriculation; in Degrees taken by Batchelors of any Faculty, it is computed from the Time of their Presentation to such Batchelor's Degree; and in Degrees, presupposing a Master's Degree, from the Time of their Admission to their Regency: And because few Persons are commorant in the University for every Day in a Term, those only shall be said to keep the Terms, who are resident in the University for a Month at least in each Term of *Michaelmas* and *Hilary*, for three Weeks in *Easter* Term, and a Fortnight in that of *Trinity*; and

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and frequent all the statutable Exercise; except the Term wherein any one takes a Degree, the first Day of which, according to ancient Custom, being reckon'd a compleat Term; and the Term of his Matriculation, the last Day being reckon'd an entire Term.

There is a general Commencement once every Year in all the Faculties of Learning, which is called the *Act* at *Oxford*, and the *Commencement* at *Cambridge*; which *Act* is opened on the *Friday* following the 7th of *July*, and Exercises perform'd in the Schools on *Saturday* and *Monday* ensuing the Opening thereof; and also in the publick Theatre, with great Solemnity. On *Saturday*, in the Forenoon, all the Professors and Lecturers read in the several Arts and Sciences, all cloathed in their proper Habits, as was heretofore usual at the *Vespers* or Evening Exercises; which are only now Disputations in the several Parts of Learning, from One a Clock till Five in the Afternoon, the *Artists* Disputations being had in the Theatre, and those of *Divinity*, *Law*, and *Physick*, in their proper Schools. The Inceptors in Arts dispute on three *Philosophical* Questions; and one of these Inceptors (for so are the Masters called, who stand for their Regency in this solemn *Act*) to be appointed by the *Senior Proctor*, has the Place of the *Respondent*: And first, the *Senior Proctor* opposes on all the Questions, and confirms an Argument on the First; then the *Pro-Proctor* and *Terra-Filius* dispute on the Second; and lastly, the *Junior Proctor* on the Third Question; and all the Inceptors are oblig'd to attend these Disputations from the Beginning to the End, under the Pain of 3 s. 4 d. At the equal Expence of all the Inceptors, there is a sumptuous and elegant Supper at the College

or Hall of the *Senior* of each Faculty, for the Entertainment of the Doctors, called the *Alt-Supper*. On *Sunday*, between the *Vespers* and the *Comitia* (for so are the Exercises of *Saturday* and *Monday* stiled) there are two *Sermons* in the *English* Tongue, at *St. Mary's Church*, preach'd by any one of the Inceptors, as the Vice-Chancellor shall appoint, being Doctors of *Divinity*, in this *Alt*. On *Monday*, at Nine a Clock, all the Inceptors go with the *Beadles* of their several Faculties to *St. Mary's*, and there, after Prayers at the Communion-Table, make Oblations; and if any Person shall absent himself, or be irreverently present, he shall be mulcted five Shillings, and moreover punish'd at the Vice-Chancellor's Pleasure. Then the *Comitial* Exercises beginning, the *Senior* Proctor mounts the Pew on the *West* Side of the Theatre, and the *Junior* Proctor the Pew opposite to him on the *East* Side. The Professor of *Physick*, with his Inceptors, on the *West*; and the *Law* Professor, with his Inceptors, on the *East* Side thereof; and the *Divinity* Professor, with his Inceptors, on the *North* Side, under the Vice-Chancellor; and the Inceptors in *Physick*, with their Professor in the *Musick* Gallery, on the *South*; and at these *Comitial* Disputations, the same Method is used in respect of the Agents, as at *Vespers*, viz. first, the *Senior* Proctors; then the *Terra-Filius*, and Pro-Proctor; and lastly, the *Junior* Proctor; and he who was Respondent the Year before, is the *Advocatus* *Replicans* this Year. The first Opponent among the Inceptors has a Book given him, at the End of Disputations, by the *Senior* Proctor (who, in respect of the *Artists* Inceptors, is called *Father* of the *Comitia*) and is also created *Master* by a Kiss, and putting on his Cap. After the

Comitia Exercises in Arts are ended; if there be any Person taking a Musick Degree, he is to perform a Song of Six or Eight Parts on *Vocal* and *Instrumental* Musick, and then he shall have his Creation from the *Savilian* Professors, &c. After the performing of the Exercises, and the Creation of Doctors, according to a prescript Form in each Faculty, the Vice-Chancellor closes the Act in a solemn Speech; wherein it is usual for him to commemorate the Transactions of the Year past, and especially such Benefactions as have been given to the University: And after the End of the Act, the Vice-Chancellor, with the Regents of the foregoing Year, immediately assemble in the Congregation House; where, at the Supplication of the Doctors and Masters newly created, they are wont to dispense with the wearing of *Boots* and *Slop Shoes*, to which the Doctors and Masters of the Act are oblig'd, during the *Comitia*. On Tuesday after the *Comitia*, a *Latin* Sermon is preach'd to the Clergy, at Eight in the Morning in *St. Mary's* Church; the Preacher to be either some Doctor, or Batchelor in *Divinity*, and of the Vice-Chancellor's Appointment; with a *Pre-monition* for this End from the Vice-Chancellor for three Months before hand. The Questions to be disputed on in each Faculty, are to be approved by the Congregation of Masters some time before the Act; and because that *Civilians* ought to know the Differences between the *Civil* and our own *Municipal* Laws, one of the Law Questions ought to have some Affinity with the *Common Law* of *England*, wherein the Professor, by a short Speech, ought to shew, what the one and what the other Law maintains. If any Contumelious, Reproachful, or Defamatory Language be given in any Speech

or Argument at Disputations, the Vice-Chancellor may convene the Person before him, and command a Copy of his Speech; and if he pretends that he has no Copy, he may convict him by Oath, and punish him according to the Heinousness of the Offence, in respect of Persons and other Circumstances, either by publick Recantation, Imprisonment, or Banishment from the University, as a Disturber of the publick Peace; besides the Satisfaction he is oblig'd to make to the Party injur'd: So that there is not that Licence given for an impudent Buffoon, of no Reputation in himself, called a *Terra-Filius*, to sport and play with the good Name and Reputation of others; but the Business of this *Terra-Filius*, is a solemn and grave Disputation. And altho' this manner of sportive Wit had its first Original at the Time of the Reformation, when the gross Absurdities and Superstitions of the *Roman* Church were to be exposed, and should have been restrain'd to Things, and not have reach'd Mens Persons and Characters; yet it has since become very scandalous and abusive, and in no wise to be tolerated in an University, where nothing ought to appear but Religion, Learning, and good Manners. In the Faculties of *Divinity*, *Law*, and *Physick*, every one takes place, according to the Order of his Presentation or Admission, to be an Inceptor in these Sciences, and shall keep the same for ever afterwards; only *grand Compagnons* have the Precedence of all others of the same Year: But Inceptors in *Arts* have their Seniority according to the Professors Discretion, unless they be *grand Compagnons*, who have Precedence as aforesaid. Yet it is provided, that this Disposition shall not prejudice Fellows of Colleges in respect of their Seniority, but that

that the same be governed and disposed according to the Seniority which they bear in their respective Colleges, according to the Local Statutes thereof.

The ordinary Disputations in *Divinity*, shall be had ten times a Year in the *Divinity-School*, viz. on the first and last *Thursday* in every full Term, on the *Thursday* before the first *Sunday* in *Advent*; and also the *Thursday* immediately preceding *Lent*; which Day, if a Holiday, then Disputations shall be had the Day following: And all Bachelors in *Divinity*, of what standing soever, as well as Masters of Arts (unless Professors of the University, or publick Professors of Arts) are obliged to perform these Disputations, as soon as they have compleated four Years from the time of their Regency, whether they live in Colleges or Halls, unless it does notoriously appear, that they are oblig'd to the Studies of *Law* or *Physick* by the Local Statutes of their College for a Year (at least) before they have receiv'd any Monition to answer, or oppose at these Disputations; which may evidently appear by their entering their Names in the Beadle's Book. At these Disputations, the Senior Bachelor or Master, is *Respondens*, and the two next downwards in Degree, after the *Regius* Professor (who is Moderator here) are Opponents, and so on, till they have all had their Turns; and then they revert to the *Seniors*. The two Questions to be here disputed on, from One a Clock till Three in the Afternoon, are to be approved by the next Congregation ensuing the Date of the Monition; and all Bachelors of *Divinity*, and Masters of Arts, of two Years standing from their Regency, who have not apply'd their Studies to any other Faculty, are bound to be present.

The *ordinary* Disputations are only had twice every Year in *Physick*, viz. on the first *Tuesday* in *Trinity* and *Hilary* Term; at which Disputations, all Batchelors and other Students in *Physick*, on the *Physick-Line*, and privileged Persons, are Agents; except the Proctors of the University, and the publick Professors of *Arts*: And the *Senior* of these is the *Respondens*, and the other two are *Opponents*, according to the Course and Method of *Divinity* Disputations; whereat all Batchelors and Students in *Physick* are oblig'd to attend.

The *ordinary* Disputations in the *Civil Law* (called Disputations *pro Terminis*) are also had but twice a Year, viz. on the last *Tuesday* of *Easter* and *Michaelmas* Term; at which Disputations, all Batchelors of *Law*, and Persons of Batchelors standing, being Students in the *Law*, are to bear their Turns in the same Course and Manner as at *Physick* Disputations, the Proctors and Professors excepted as aforesaid: And at these Disputations, all Batchelors of *Law*, and Students in that Faculty, are to attend and frequent the same.

The superior Beadle in each Faculty, is to give the Agents notice hereof for six Weeks before the Day of Disputations, unless it be at *Quodlibets*; and there seven Days is sufficient notice: This Premonition ought to be personal (if possible;) and if they cannot be personally summon'd, then by affixing up the Summons subscribed with the Beadle's Hand thereunto, at their Chamber-Door, or at the College-Gate, or at the Buttery-Door, if the Person or Persons retain no Chamber, or Part of a Chamber, in the College or Hall, but have, notwithstanding, their Names written in the Buttery Book, and enjoy the Privileges of the University.

versity. These Monitions the Beadles ought to serve in their own proper Persons, or (at least) by the *Yeomen* Beadles, in a Case of Self-impediment, and by no other Person or Persons; for that such a Monition is not duly served, and the Person thus admonished may well refuse to dispute; and the Beadle shall be punished for his proud and haughty Neglect of his Service and Duty. This method of serving these Monitions is altogether new, and was unheard of in former Times, when the Beadles were better acquainted with Humility, and the true Drudgery of a Beadle's Service: But now Fellows of Colleges becoming Beadles, to the great Dishonour of their Founder's Charity, and the Scandal of Learning, they are almost grown too big for the Duty of so mean an Office or Employment; tho' they scruple not to receive the Profits thereof even to the utmost Extent: And, upon Information, if the Beadles learn, that the absent Person will not be present, probably, at Disputations, at the Time appointed, or have any Knowledge of such Disputation from the Butler, they ought to report the same to the Vice-Chancellor, under the Pain of 10 Shillings, that no Disputations be omitted for want of premonishing the next in Course. These Monitions were always, in ancient Times, subscribed by the Vice-Chancellor, and sealed with the lesser Seal of the University, and so, I think, they ought to be at present, however unwarily left out of the Statute by the new Compilers thereof: For it is absurd, to call that a Monition, which is given by so inferior a Person as a Beadle is to a Master of *Arts*, Batchelor of *Divinity*, &c. The *Respondents* in *Divinity*, *Law* and *Physick*, ought to shew their Questions to the Professors within

within two Days after the Congregation have approv'd of them ; and fix them up seven Days before Disputations on the outer Gates of the Schools, and on the Corner of *All-Souls* and *Oriel-College* Walls, next to the Street. At all these Disputations, the Agents are cloathed in their proper Habits, and as succinctly (as passible) expound and give a State of the Questions to be discuss'd ; wherein the *Respondent* ought not to exceed Half an Hour, and the *Opponent* a Quarter, the Remainder of the Time is to be spent in Argumentation. At all these ordinary Disputations of *Divinity*, *Law*, and *Physick*, the Vice-Chancellor is obliged to be present ; and at *Quodlibets*, the Professors, or their Deputies, or one of them, to see that these Disputations are duly performed, and that the proper Persons do attend the same ; and if occasion be, to call Names for the absent Persons, by the Mouth of the Beadle. If any of these Disputations shall be wholly omitted, the Person, thro' whose Default it happens, if he be an *Opponent*, and does dispute, either by himself, or his Substitute, shall be mulcted in the Sum of 20 Shillings ; and if he be a Moderator, or *Respondent*, then in the Sum of 40 Shillings ; and if the Beadle shall not give due and proper Notice to the Agents, or the *Respondents* do not formally fix up the Questions, then in the Sum of 10 Shillings ; and if the Disputation shall be omitted, he, thro' whose Default it happens shall (besides his Mulct) be obliged to make good his Turn another time, under the same Penalty, unless the Vice-Chancellor shall excuse him : The Mulcts for these Offences are equally divided between the University, Vice-Chancellor, Professors, and Beadles of the respective Faculty into four

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Parts. Yet the Vice-Chancellor, for just and good Causes, may suffer these Disputations to be omitted, or give leave to some fit Person to supply the Turn of the Agent in his necessary Absence; and, if he thinks fit, impose a Necessity on some proper Person of supplying this Turn under the like Penalty.

According to antient Custom, Graces or Supplications for Degrees are proposed and granted in the Congregation of Regent Masters, except it be for the Fellows of *New College*, who have their Graces given them in their own House by a certain Privilege: And here are all Dispensations ask'd in Matters dispensable by the Congregation, that fit Persons may be admitted to Scholastical Degrees, and also that Men recommended by other Universities may be incorporated, and according to Custom be licensed in each Faculty. This Congregation now, as antiently, consists of the Chancellor or Vice-Chancellor, the two Proctors or their Deputies, and of such Masters as are *necessary* or Regents *ad placitum*: And nothing can be decreed in this Assembly, to which the Chancellor or his Vice-Chancellor, both Proctors or their Deputies, or the major Part of the Masters present (whose Number ought not to be less than Nine) do not consent; but ought to be taken for not granted, if either the Chancellor or his Deputy, or the two Proctors or their Deputies, or the major Part of the Masters dissent; unless it be in Elections, which are to be made freely, according to antient Custom, by the major Part of the Voters.

By a received Custom, immediately after the End of the *Aut* every Year, the Masters of *Arts*, and Doctors in *Divinity*, *Law*, and *Physick*, on the solemn Day of their Creation supplicate to
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be admitted into the Congregation House, and to their Regency in each Faculty, *i. e.* to all and every Act of their necessary Regency, before the third Congregation, unless some grievous Crime be objected to them, which may draw a Scandal on the University; and if they be deferr'd any longer, the Chancellor or his Locum-tenent may summon and admit them thereinto by his own proper Authority: Which Doctors and Masters are necessarily Regents for two Years, unless they be dispensed with for the second Year's Regency (as usual) after the Creation of other Doctors and Masters the next *Act*, and admitted to their Regency in the like manner in the Congregation: Then the Doctors and Masters, admitted to their Regency, take an Oath not to reveal the Secrets of that House, and also swear, that they will not promote unfit Persons, nor hinder those who are fit, from proceeding to their Degrees, &c. Every Master, for this Admission, pays 12 *d.* to the Register, and 4 *d.* to the Beadle of his Faculty; and a Doctor gives 12 *d.* to be distributed among the Poor, at the pleasure of the Vice-Chancellor and Proctors. All publick Professors and Lecturers, Royal as well as others, are accounted Regents *ad placitum*; so are all Resident Doctors, of what Faculty soever, and all Heads of Colleges and Halls, who have been for some time Regents in Arts, and (in their Absence) their Deputies; all Masters of Schools, and Deans and Censers of Colleges; together with all Masters during the 2d Year of their Regency, if they are dispens'd with for the 2d Year of their necessary Regency, as aforesaid.

Every Student, before he is admitted to supplicate for his Grace, ought to undergo the Examination of certain Regent Masters; and
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left that the Number of Candidates for this Examination should grow burthensome to the Examiners, there cannot be more than Six examined in one Day; and the Senior Proctor has the Power of appointing the Day for this Examination, by a Writing under his Hand, provided he assigns to every six Candidates distinct Days, and registers their Names, with the Day assigned them, in a Book ever kept by the Proctor. Every Person to be examined, after the Proctor's Assignment of a Day, immediately ought to acquaint the Examiners therewith; and the Day before his Examination, he ought to fix up his Name, House, and the Degree which he sues for, on the Schools-Gates, and on *All-Souls* and *Oriel* College Walls, as aforesaid. The Proctor may assign any Day for these Examinations, either in Term or out of Term (if the Number of Candidates require it) with this *Proviso*, that it be no *Holy-day*; and the Place appointed for this Examination is the *Natural-Philosophy-School*; and the Hour for the same is from Nine in the Morning to Eleven; and again, from One in the Afternoon, as long as the Examiners think fit, if they will proceed to a second Examination. The Arts and Sciences they are examin'd in, are those in which they are bound to have heard Lectures; and in those Authors, which publick Lecturers are obliged to read to their Auditors; rejecting some of the Moderns: And they are not only to be examin'd in *Philosophy* (the great Learning of the past Age) but also in *Philology*, and particularly in their Knowledge of the *Latin* Tongue. The Senior Proctor, after Assignment of a Day for Examinations, appoints three Masters to examine the Candidates, and administers an Oath to the Examiners for the just and due Examination

nation of them ; and when the Day appointed is come, the Senior Examiner begins to examine the Senior Candidate, at the Time and Place assign'd ; and after he has done his Examination, the next Examiner proceeds to the next Candidate, and so onwards till they have done ; but any Examiner may ask a Question out of his Course if he pleases, yet with this Caution, that whilst one examines, the others are silent ; and when they have all finish'd their Examinations, they then give the Candidates a Testimonial of their good liking, if they deserve it, under a certain Form.

If any one shall neglect this Office of an Examinant, or refuse to take the Oath, or examine without Swearing, or neglect to appear on the Day and Place appointed, or be present and not examine, or not according to the statutable Appointment ; or lastly, give a Testimonial to a Person whom he has not examined nor heard, such Offender shall immediately be mulcted in the Sum of 40 s. to the Use of the University ; and if he shall be contumacious, he shall be deprived of his Master's Degree, and be made incapable of proceeding to any other Degree ; and if the Proctor does not give this Oath, he shall be punish'd at the Vice-Chancellor's Discretion : And that these Statutes about Examinations may be observed inviolably, the Vice-Chancellor is oblig'd to attend them twice, and the Proctors four times at least every Term.

No Grace can be propos'd, or Dispensation ask'd for any Degree, unless the Person be of some College or Hall, who sues for the same, and has his Name written in the University-Register, from the Time of his Matriculation, and has also compleated all the Terms requisite for such Degree ; and in the Congregation
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even all Graces and Dispensations must be propos'd by one of the Proctors, or some other Master, with the Vice-Chancellor's Leave ; and no Person herein ought to vote for any Reward, or on any Promise thereof, on Pain of being made incapable of proceeding to any further Degree, if convicted ; and the same Penalty is inflicted on the Candidate, who is to stand in the *Proscholium* or *Pig-market*, vulgarly so called, during the whole Time of the Congregation, *nudato capite*, until his Grace be either granted or denied. Before the Candidate's Grace can be propos'd in the Congregation, the Testimonial of the Masters, who examin'd him, ought to be publicly read in the House ; and if he be a Non-Commorant who sues for a Degree in any of the superior Faculties, none shall propose his Grace under the Pain of Perjury, unless he brings with him Letters Testimonial, signed by the Bishop of the Diocese where he lives, and shewing his Conformity to the Doctrine and Discipline of the Church of *England*, which are to be publicly read in the Congregation. I will not here recite the Forms of supplicating for Graces, because they are almost all the same, with little Variation, in regard of the several Degrees sued for ; only I shall add, that more Graces than one ought not to be prayed for at one and the same Time ; but the Christian and Sur-Name of every Supplicant ought to be distinctly and severally read ; and that the same Grace ought not to be proposed more than once in the same Congregation ; and if a Grace be once denied, it ought to be proposed in the very next Congregation, until it be wholly denied or granted. After a Grace has been propos'd by the Dean of the College, or some other Master thereof, standing in the middle of the House,

House, the Proctors rising out of their Seats, first receive the Vice-Chancellor's Vote by way of Scrutiny, and then the Suffrages of all the Regent Masters present, by the Word *Placet* or *Non Placet* being whisper'd into their Ear; and if they find the Grace granted on their comparing Notes, the Proctor pronounces it either *simply* or *conditionally*; and if it be denied, the Proctors return to their Chairs, and are silent for the first three Times, but the fourth Time it is declared to be denied, and the Master Supplicant returns to his Place. The Proctors are by Virtue of their Oaths bound not to reveal the Person or Persons who grant or deny a Grace; and if any other Person shall discover the same, and publish it, he shall be expelled the Congregation-House; and if any Regent shall demand or receive any Gift or Present (mediately or immediately) for the granting of a Grace, or denying the same, he shall suffer the like Punishment, and forfeit double the Value thereof to the Use of the University.

The ancient Statutes of the University gave the Regent Masters the Liberty of denying any Persons Grace thrice *pro arbitrio*, i. e. without assigning a Reason for so doing; but by the present Statutes, if any Grace be denied thrice, the third Time the Person denying it must the same Day give his Reasons for so doing into the Hands of the Vice-Chancellor and Proctors, with the Proof thereof; who are obliged in the next Congregation to publish the Cause and Evidence thereof, but ought to conceal the Name of the Person objecting the same; and if the Reason shall be adjudged just and reasonable by the Vice-Chancellor, Proctors, and the major Part of the Regents, the Grace shall stand denied; and the Person supplicating shall be incapable

capable of supplicating for a whole Year again : And if the Cause alledged be insufficient, the Grace, on a fourth Proposal of it is granted, unless it shall be denied by the Vice-Chancellor, Proctors, and major Part of the Regents, for some other Cause.

There are some just Impediments which may hinder a Person from doing all things requisite to his Degree, according to the Form of the Statutes ; and therefore in such Cases the Congregation is wont sometimes to dispense with some Persons in Matters dispensable by Congregation : But this is a Grace which has done much Mischief to the University, by the sad Abuse of it.

The Master, who reads the Supplication for a Dispensation, has first Leave of the Vice-Chancellor and Proctors for so doing ; and then he reads a Schedule, containing the Reason of suing such Dispensation, with the Name and Condition of the Suppliant, and of the College or Hall where he is commorant : To which Petition, if the Vice-Chancellor, both the Proctors, and the greater Part of the Regents then present, do consent, it is taken for granted ; and the Proctor pronounces a Dispensation granted after the same Manner as he is wont to pronounce Graces granted. The Congregation may dispense with the Absence of two Terms for a Batchelors Degree, and three for a Master's ; for going into the publick Library, for want of diligent attending publick Lectures ; that Terms kept in another University may be reckon'd as kept in this ; for omitting Circuiting and Visiting ; for Circuiting the Day before the Term begins ; for a Grace to be proposed by a Master of another House, if there be no Master of the same House present ; that a Grace

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should be good, tho' not registred within Congregations; that a Grace granted the fore-going Year should be good; that the answering a Second Time Under-Bachelor in *Lent*, should be in the Place of answering at *Generals*, or in the *Parvise*; that a Grace granted to a Bachelor *modo determinaverit proximâ Quadragesimâ* may be good, and he had as pronounced *simpliciter*; that a Bachelor absent on *Egg-Saturday* may be presented to determine the same *Lent*, in case of Sicknesh or extreme Necessity; and if a Bachelor be hindred from determining the *Lent* past, on the score of Sicknesh or otherwise, that he may be allow'd to determine the *Lent* following; that *Gracious* Days be given in *Lent*; that a Person to be presented to a Doctor of Law or Physick's Degree (for want of Doctors) may use the Depositions of Senior Bachelors or Inceptors in these Faculties; that a Compounder, instead of Scarlet may use the Black and usual Habit; that the Doctors and Masters may put off their Boots and Slop-shoes after the End of the Act; that the *Cantabrigians*, or Students in any other University, may be in the same State here as the *Oxonians* are with them; that the Term be prorogu'd, &c.

After his Grace is granted, every Person to be presented to a Degree (according to ancient Custom) first of all waits on the Vice-Chancellor, cloathed in his proper Habit, and following his Presentator or Dean, bare-headed, with the Beadles (or one of them at least) going before him; and if he can meet with the Vice-Chancellor, the Dean, in a certain Form of Words, supplicates his Presence at a Congregation the next Day, that he may present his Scholar or Bachelor to his Degree: And from the Vice-Chancellor they immediately

ly go to the Senior and then to the Junior Proffor, (before the Sun sets) and supplicate them almost in the same manner. If any Person be to be presented to an Inceptorship in Arts, he ought to deposite with the Vice-Chancellor 40*s.* as pecuniary Caution for his commencing the next A*ct*; and if he be of an indigent Condition, *Fide-jussory* Caution shall suffice, two Fellows of a College becoming Sureties for his Appearance thereat, and that he will immediately after the A*ct* take Care to be admitted to his Regency; and if he shall fail in either of these Points, his Caution is immediately forfeited to the University: But if he commences, and be admitted to his Regency, the Vice-Chancellor shall notwithstanding retain his Caution, till he has completed the Year of his necessary Regency; that he may deduct from thence in case of any Mult on the Score of Inceptorship or Regency, and then at the Years End restore the residue. If the Person to be presented be a *Compounder*, he waits on the Vice-Chancellor and Proffors in a more solemn manner, *viz.* with the *Vrger*, all the *Beadles*, and the Chief *Library-Keeper*, before him: And this waiting on the Vice-Chancellor and Proffors is called *Circuising*, as the going round of Batchelors of Arts, from College to College, and from Hall to Hall, for a Master's Degree, is called *Visiting*, who are obliged to enquire after *Visitable* Masters therein, *i. e.* such as are not within three Years, and not above seven Years standing Masters; and if they find any, they are to submit themselves to their Oppositions, and to pray them to be present at their Depositions: And if any Master, upon Examination, shall find the Person to be presented, unfit for his Degree in point of Learning, and shall make a Report thereof to the

Vice-Chancellor and Proctors, they ought to delay his Presentation, until he has undergone a publick Examination in the Congregation-House, whether fit for his Degree or not? Otherwise the Vice-Chancellors and Proctors ought not, on any private Suggestion to oppose his Presentation or Admission, unless he has committed any Crime since his Grace was given him, or has manifestly done any thing that deserves a Denial. On the Presentation-Day, immediately after the Ringing out of the great Bell, the Person or Persons to be presented (if there be many Candidates) in a publick Presentation, make a solemn Procession, walking from their College or Hall to the *Apodyterium* of the Congregation-House, attended with the Head and all the Members of such College or Hall, in their proper Habits, having one of the Beadles before them, and the Dean immediately after these Candidates or Candidate; and if such Candidate be a *Cumulator*, (*i. e.* a Compounder) then the Vice-Chancellor and Proctors, with the Chief Library-Keeper, (in the room of the University-Chaplain) and all the Beadles and Virger accompany him to the Place of Presentation. 'Tis usual for every Doctor and Batchelor in Physick, at the Time of their Presentation to their respective Degrees, to be thus attended to the Congregation-House by all the Doctors, Batchelors, and Students in Physick, then present in the University, together with the Beadle of their Faculty; and on this Account the Person presented gives each of them Gloves, according to a certain Rate among them, as three Pair to a Doctor, two to a Batchelor, and one to a Student in Physick.

But the Fellows of *New College* are especially oblig'd, all of them, upon taking a Degree, by
their

their Founder's Statutes, to proceed in this solemn manner of a publick Presentation, for the Honour and Magnificence of the Society. When the Person or Persons to be presented come into the *Apodyterium* near the Congregation-House, they are each of them to subscribe the 39 *Articles* of Religion confirm'd at *London*, 1564. (having first read them himself, or heard them read by another, in the Presence of his Presenter) and also to the three Articles contained in the 36th Canon, being first publicly read there in the Presence of the Proctors. It is customary for such as are to be presented to a Doctor's Degree in the *Civil Law*, immediately after the aforesaid Subscription, to go from the *Apodyterium* to the *Civil Law School*, with the Professor, and their Deponents (vulgarly call'd *Scio's*) with the Beadle before them; and there they deposit a Purse of Money, consisting of Gold and Silver, above the Sum of 6 *l.* 13 *s.* 4 *d.* and then the Professor gives them an Oath, that they do not know the just Quantity of the whole Sum, and that they will not complain or make any Words about the Sum taken from thence by the Professor, and their *Scio's* or *Deponents*. This done, the Remainder is put up into the Purse again, and return'd into the Hands of the Persons to be presented; which Custom is stiled *Nemo scit*. Hereupon the Vice-Chancellor, Proctors, and Regent Masters, go into the Congregation-House, and taking their Places, the Presenters of each Faculty, according to the Dignity of the Faculty (on a Presentation to the same Degree in different Faculties) make their Presentation in a certain Form of Words; but if the Persons to be presented are all of the same Faculty, then the Presentation is according to the Seniority of the

Presenter, who leads his Man into the House by the Hand, with a Boddle before him, and reverently repeats the Form of Presentation. After the Form of Presentation is over, the Person presented goes up to the Professor, and stands at the Right Hand of the House till all the Candidates are presented, and then the Senior Professor attests their afore said Subscription, in a Form of Words. Besides the Testimony which every Presenter gives of his Candidate in each Faculty, there are the Depositions of others of the same Faculty requir'd, who are of the same Degree with the Person presented, viz. For a Person presented to a Batchelor of Arts Degree, Nine Batchelors of Arts are requir'd to *depose* or *scio*, who have completed their *Leve Determination*; these always *depose* or *scio* in the *apodyterium* on their Knees before the Professors, e'er the Vice-Chancellor and Professors enter the House, the Vice-Chancellor giving them the same Oath as to other *Scio's*; and on their Depositions, that the Person is fit for his Degree, he is admitted thereunto; otherwise he is put by for a Year. For a Person presented to a Bachelorship in Arts, the Depositions of Nine Masters are also requir'd, to whose Oppositions the Person presented has submitted himself. For a Person presented to a Batchelor of Civil Law's Degree, Three Batchelors in the same Faculty; who if they have not been Inceptors in Arts, *depose* or *scio* in the *Apodyterium*, as Batchelors of Arts do; four Batchelors of Civil Law, unless they are Regents in Arts, cannot go into the Congregation-House to *scio* for anyone, and much less to present any one. For a Person presented to a Batchelor of Physick's Degree, three of the same Faculty; and for want of them three Masters of Arts, being

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Students in *Physick*: For a Batchelor in *Divinity*, three Batchelors of the same Faculty: For an Inceptor in *Musick*, *Physick*, *Law* and *Divinity*, three Doctors in each of those Faculties; and for want of such, then by the Permission of the Congregation, three Masters of Arts for an Inceptor in *Musick*; and three Batchelors in each Faculty for an Inceptor in *Divinity*, *Law*, and *Physick*. All these *Scia* on their Knees also, and the Proctors receive their Depositions in a Schedule; and then the Proctors severally leaving their Chairs to other Masters, fall down on their Knees and swear, that they have done faithfully in this Scrutiny; and if, on the Proctor's Report to the Vice-Chancellor, the Number of *Scia's* be just and compleat, the Candidate is admitted to his Degree; otherwise he is put by for a Year. Both the Vice-Chancellor and Proctors are not to reveal these Depositions in any way whatsoever, under the Pain of 10 s. *totes* *quodlibet*. After these Depositions are ended, the Proctors do successively administer several Oaths unto the Persons presented, viz. For the Observance of the Statutes, Privileges and Customs of the University; for the Preservation of the Peace by themselves and others, as much as in them lies; and that they will not resume their solemn Lectures in any other University in *England*, than at *Cambridge*, &c. Then are they admitted to study in the publick Library, under certain Conditions and Limitations of doing no Damage to the Books, &c. and also admonished to procure a proper Habit within 15 Days, to appear not only at School-Exercises, but also at Processions, and other University Business. After the Junior Proctor has done with them, they apply themselves to the Senior, who reads over to them such a Portion of the Statutes as

concern the Degrees, to which they are severally presented, and then gives them the Oaths of *Allegiance* and *Supremacy*, with some others, *which are observed by conscientious Men*. When the Proctors have done their Duty, every one of the Persons presented fall on their Knees before the Vice-Chancellor, who interrogates them on Oath, whether they can expend *de proprio* 40 l. per Ann. for Term of Life out of the University; (which Sum as to Beneficed Ministers is reckon'd according to the Rate of their first Fruits in the King's *Liber Valorum*, and not according to the real and proper Value of the Thing rated) and if the Party presented answers that he cannot; then he shall be ask'd, whether he can *de proprio* expend 5 s. and if he answers, *he can*; then he shall only pay for Wine. After this the Vice-Chancellor admits them all to their respective Degrees in a solemn Form of Words respecting each Degree and Faculty; whereupon they immediately depart the Congregation-House, and put on the Habit proper to their Degrees; and then re-enter, and making their Reverence to the Vice-Chancellor and Proctors, they finally depart and go home; only the Batchelors of Arts go to the *Artists* Schools, accompany'd with their Dean and Beadle, where the Presenter or Dean mounts the Chair with his Cap on, propounds three Questions to each of them, and recites some Verses on each of these Questions; and after the Batchelors have read them also, he propounds an Argument on each of them, to which each Batchelor answers under this Form, *viz.* *Respondebit pro me Aristoteles proxima Quadragesima*; and then they return again to the House with their Dean in their proper Habit, and reverently take Leave thereof.

By ancient Custom this University had a Power of Licensing Preachers throughout *England*; and was wont to execute this Power by the Congregation of Regents: But to prevent the Abuses thereof, it is decreed, That no Person shall supplicate hereafter for a Grace of this kind, unless he be a Master of *Arts*, a Batchelor of *Law*, or a Batchelor of *Divinity*, having each of them spent seven Years in the Study of *Divinity* in the University, and (at least) once publickly responded at *Divinity-Disputations*, either in the *Divinity-School*, or at the *Comitia*, and preach'd four laudable Sermons before the University, either in *St. Mary's* or *St. Peter's* Church, or in some College Chappel: And Graces for Licences to preach are propos'd as other Graces in the Congregation-House, under a certain Formulary; which Graces, if granted, shall be pronounced by the Proctor after the same manner as other Graces; and then Letters Testimonial shall be made thereof by the Decree and Authority of the Congregation, under the publick Seal of the University, too long to be here inserted.

Every Doctor of *Physick*, after his Admission thereunto, may lawfully practise in all kind of *Physick*; but no other is suffer'd to practise thus at *Oxford*, unless he be a Master of *Arts*, and has taken a Batchelor of *Physick's* Degree; and be admitted by the Congregation (according to Custom) to practise: Nor shall any one practise Chirurgery within the University, without the Chancellor or Vice-Chancellor's Licence first obtain'd; and if any one shall presume contrary hereunto, he shall not only be hinder'd from any further Degree, and lose the Privileges of the University; but also be punish'd as a Disturber of the Peace, if he does not desist on

'sary for the Health of Man. *Item*, That you
 'be contented once a Year (at least) that cer-
 'tain Physicians practising in the University
 'should visit your Shop upon the Account of
 'good and bad Medicines, in the Month of
 'November, or at any other Time, if Occasion
 'shall require it, to be adjudged of by the Vice-
 'Chancellor, one of the Proctors and the Pra-
 'ctising Physicians here, and these Searchers
 'and Tryers of Medicines being of the Vice-
 'Chancellor's and Proctors Appointment, shall
 'have Power to destroy and throw away all bad
 'and unprofitable Medicines and Druggs. *Item*,
 'that you will sell all Things appertaining to
 'your Trade at a low and reasonable Price, and
 'as sold in other Places in *England*. *Item*,
 'That you will not make up any Compound Me-
 'dicines without the Presence and Advice of
 'some Physician admitted to practise, who *Reg. H. fol.*
 'shall judge those Simple fit to be made up into *166. b.*
 'Compositions. *Item*, That you will observe all
 'these Things without Fraud or Deceit. *Or*,
 'I have printed the Form of the Instrument in
 'the Appendix, because I find it no where else
 'published.
 'After the Beadle has given Warning of a
 'Convocation, all Doctors, Regent and Non-
 'Regent Masters, are oblig'd to come to the
 'Convocation House, at the Hour appointed, in
 'their proper Habits, and there to take their
 'Places assign'd them. The Vice-Chancellor en-
 'ters the House with the Beadle before him,
 'and having placed himself declares the Cause of
 'this Meeting; and nothing is decreed or grant-
 'ed in this Assembly, into which there is not the
 'Consent of the Vice-Chancellor, or both the
 'Proctors, and the major Part of the Regent and
 'Non-Regent Masters. But Elections are all
 'made

made and determined by the major Part of all the Suffragants, according to ancient Custom, either by a private Scrutiny in Writing, or else publickly, by going on this and that side of the House, or otherwise by a publick Scrutiny in Writing, as the Nature of the Business requires. And the Business of this House is to make, abrogate, interpret and moderate, all Laws and Statutes made thereby, to grant Dispensations and Presentations to Benefices, to examine and pass Accounts, to demise Lands, to write Letters to Great Personages, to degrade Criminals, &c. But this House can neither abrogate nor interpret Statutes made and confirm'd by Royal Authority, without special License thereunto had from the Crown. Before the making of any Law, or the Explanation of any Statute is had, the Vice-Chancellor lays the same before the Heads of Houses at their ~~Abdomadal~~ Meeting; and as soon as they can prepare and agree on the same in a Form of Words, the Proctors report it to the Congregation in the Terms agreed on by the Heads of Houses; and then in the following Convocation it is publickly read by the Register, in the same Form as it was propos'd to the Congregation; and when the Vice-Chancellor, Proctors, and the major Part of the Regents and Non-Regents have agreed on the Terms and Form thereof, it is publickly read by the Register in the said Terms, and then put to the Vote of the Convocation, whether it shall pass or not; but it has no Force until 30 Days after Publication thereof.

There are many Things with which the Convocation may dispense; and many with which it cannot dispense: And first, if the Local Statutes of any College be repugnant in any Respect to the Statutes of the University, the Members

of

of such College are *ipso jure* dispensed with the Observation of such Statutes of the University, without any further Supplication or Petition. 2dly, If there be any Students, who have been formerly of this University, and having applied themselves to the Study of *Divinity* for 15 or 16 Years, to be reckon'd from the Time of their Regency, at 30 Miles Distance from the University, and are of good Learning and Integrity, they may take their further Degrees by *Accumulation*, after doing of Exercise for them. 3dly. The Convocation may give Degrees to Bishops and Noblemen, (*Honoris gratia*) without Performance of Exercise for them. 4thly, The Convocation may approve of Deputies and Substitutes for the *ordinary* Lectures and Disputations. And lastly, it may dispense with all Matters which the Statutes of the University do allow of, and are not repugnant to the Discipline thereof, the Cause of such Dispensation being first approved of by the Chancellor, and then by the Vice-Chancellor, Proctors, and Heads of Houses, at the *Hebdomadal* Meeting, or by the greater Part of them.

All Elections, except for Members of Parliament, are made by a private Scrutiny in Writing; wherein the Vice-Chan. is President, and the two Proctors are Scrutators; and before they proceed to an Election for any Lecturer, Officer or Servant, the Candidate swears, that he has neither directly nor indirectly, by himself or any other, made any Contract with any one, or given or promis'd to give any thing for the same; and then the Vice-Chancellor swears the Proctors to make a faithful Scrutiny, that they will not induce any one to chuse or name contrary to his own Inclination, and that they will pronounce the Person for elected, on whom a Major
Part

Part of the Voices shall happen to fall. Then the Electors take an Oath, that they will only vote once in this Scrutiny, and that they will name none but whom they know or firmly believe to be duly qualified for the Office, Benefice, or sued for; and that they will do this without any Reward or Expectation thereof. None ought to vote in an Election, until he has taken the said Oath, under Pain of losing his Vote, and being expelled the Convocation and Congregation-House. After the Vice-Chancellor and Proctors have voted, all Doctors and Masters are admitted to Poll according to their Seniority, if possible, the Proctors sitting on each side of the Vice-Chancellor, and receiving the Poll, who are not to depart before the End of the Scrutiny, unless it be on urgent Occasions, in which Case the Schedule is to be left with the Vice-Chancellor, that the Vice-Chancellor or some Person deputed by him, may supply the Proctor's Absence. After they have proceeded for some time, and Persons do not come to vote, the Superior Beadle of Arts makes three Proclamations at the End of each Quarter of an Hour, and then the Poll is cast up by the Proctors, and after they have burnt the same, the Election is pronounc'd as aforesaid. If there be two or more having an equal Number of Voices, the senior of them is elected, if they are Graduates, and if not; then the Chancellor or Vice-Chancellor determines the Election; and the Person elected is immediately admitted, if he be present. In every Election the Act of the 31st of Eliz. is read, before the Scrutiny begins; and the Vice-Chancellor, the Day before, gives Notice thereof to every Head of a House, that he may acquaint his Members therewith.

For the better Dispatch of Business, the Convocation and Congregation do often chuse Delegates, being a select Number of Men, who have sometimes Power to act without any Relation or Report to the Houses, and sometimes with a Relation to the Houses for their Approbation; and these Delegates are certain Doctors, and Regent and Non-Regent Masters, who swear to under-go this Office according to the Direction of the Statutes: And whatsoever all or the greater Part of these Delegates do determine, in Matters delegated *cum nuda relatione*, shall be immediately ratified; but in Matters delegated *cum relatione*, it is otherwise. All Delegates transacting out of the University are upon the publick Expence.

These Delegates are divided into *stated* and *non-stated* Delegates, and are named by the Proctors.

Both in the Congregation and Convocation, all Speeches are made in *Latin*, unless the Chancellor gives Leave for them to be spoken in *English*, upon extraordinary Occasions; where in all opprobrious and indecent Language is to be avoided, under Pain of being excluded the House for that Day, or longer, if the major Part of the House shall think fit; and be moreover obnoxious to other statutable Punishments, concerning contumelious Language.

For the Peace and better Government of the University, there is every *Monday*, in the Week, throughout the whole Year, as well in the Vacation as Term-Time, an Assembly of the Vice-Chancellor, Proctors, and Heads of all Colleges and Halls, unless it be on Holidays, and when the Vice-Chancellor shall please to intermit the same. These Persons meet at one a Clock in the Afternoon, at a certain Place, to consult about

about the Premises, and also about the Defence of our Liberties; and if any Person present in the University shall frequently absent himself from this Meeting, the Vice-Chancellor ought to make a Report of him to the Chancellor, as a Person not in the Interest of the University.

All Scholars, of what Condition soever, are oblig'd to be in their Colleges and Halls by nine of the Clock at Night, immediately after the Tolling of the great Bell at *Christ-Church*; and if any Person shall be found in the Streets, or in any House in the Town, unless on his lawful and necessary Occasions, he is mulcted in the Sum of 40 s. being a Graduate; which Sum the Vice-Chancellor demands, if he be a Master of Arts or a Batchelor of Law; otherwise the Proctors may do it, and imprison him for Contumacy, Suspicion of Flight, or any rebellious Behaviour: If the Person offending be an Under-Graduate, he is left to the discretionary Punishment of the Vice-Chancellor.

All Plays and Gaming (especially for Money) are prohibited, under the Pain of 6 s. 8 d. if a Graduate, and if not, then he is punish'd according to the Vice-Chancellor's Pleasure, besides Restitution of the Money so won; and 20 Shillings inflicted on all Gaming-houses, and Imprisonment till they find Sureties not to receive any Scholars on the like Account. Scholars are also forbid to carry Guns, Bows, &c. to keep Dogs, Ferrets, Nets, &c. under the Pain of 6 s. 8 d. *toties quoties*, and to forfeit and lose the same. Rope-Dancers, Stage-Players and Sword-fighters, are also prohibited the University, unless they have the Vice-Chancellor's Leave to come, under Pain of Imprisonment; and all Graduate Scholars attending them are punished 6 s. 8 d. and Under-Graduates are corrected as *aforsaid*. The

The Habits at *Oxford* are all black, except the Sons of Noblemen having Voices in the House of Lords, who may wear colour'd Gowns of any kind, and how rich soever; and on certain Days, on some Occasions, all Doctors here are honour'd with Scarlet Robes, which antiently were only allow'd to Kings and Emperors. The Scarlet-Days are *Circumcision* or *New-Years Day*, *Epiphany* or *Twelfth-Day*, *Purification* or *Candlemas-Day*, *Annunciation* or *Lady-Day*, when the Sermon is at *New-College*, *Easter-Day*, *Ascension* or *Holy Thursday*, the 29th of *May*, *Whitsunday*, *Trinity-Sunday*, when the Sermon is again at *New-College*; *Friday*, *Saturday*, *Sunday*, and *Tuesday-Morning*, in *Alt Time*, at Sermon and Congregation; *All Saints Day*, the 5th of *November*, *Christmas-Day*, and all publick Thanksgivings. The Habit-Days are, the Day the Judges come to Town, when the Vice-Chancellor, Doctors and Proctors, assemble at *St. Mary's*, and from thence go to wait on the Judges in their Formalities; at all *Latin Sermons*, Morning Sermons in *Term-time*, and at all Sermons at *St. Peter's* in *Lent*; on Congregation Days, and on *Scholastica-Day*; and the Day after *Michaelmas*, when the Mayor is sworn in *St. Mary's Church* in the Morning, by the senior Proctor. All Scholars whatsoever, in *Term-Time*, ought to come to Church in their proper Habits.

C H A P. II.

Of the Chancellor of the University of Oxford, his Election, Power, Office, &c. with the Nomination of the Lord High Steward thereof made by the said Chancellor, as also of his Commissary or Vice-Chancellor, &c.

OVER the University of Oxford, next under the Crowned Head, is placed a Magistrate of high Honour, Power and Dignity, called the *Chancellor*, who is commonly one of the Prime Nobility or highest Prelates, nearest in Favour with the Sovereign Prince, and elected by the Students themselves in Convocation, to continue during Life; whose Office it is to take care of the Government of the whole University, to maintain its Liberties and Privileges, to call Assemblies, to hear and determine Controversies by calling of Courts, and to punish Delinquents, as is and shall be more particularly noted elsewhere. The *Chancellors* of the University were antiently stiled *Rectors* and *Masters* of *Schools*, and also *Rectors* and *Masters* of *Schools*, as may be seen from a Catalogue of them in the Years 1211, and 1294. The Word *Chancellor* was introduced in the Time of *Theodosius*, *Arcadius*, and *Honorius*; and was then a private Judicial Officer, employ'd in Writing and Recording such Judicial Edicts as related to their Office; and they doing this Office in a Place inclosed with Lattices, in *Latin* called *Cancelli* (next unto the Consistory) thence were stiled *Cancellarii*, in *English*, *Chancellors*. *Du-*
rantus,

tantus, de ritibus Ecclesie, derives the Etymology of this Word from that of *Canthris*, tho' very idly.

The Regent and Non-Regent Masters formerly elected their Chancellor, and presented him to the Bishop of *Lincoln* as Diocesan, for his Confirmation of him: But about the latter End of *Edward* the 3^d's Reign, the Convocation of Regents and Non-Regents had the entire Power of this Nomination and Confirmation devolved on them. This Election was then Biennial, and sometimes Annual, which continued till the Time that *John Ruffel*, Bishop of *Lincoln*, was chosen for Life. And this Office was heretofore administered by some Person usually commorant in the University during the Time of his Office, viz. either by a Master of Arts in some College, Inn or Hall, or else by a Doctor of some Faculty, or lastly, by a Monk or Fryar of some Convent: Afterwards this Office was executed by Bishops, and at length conferr'd on Laymen, the first of whom was *Sir John Mason*, Knight. Not only the Kings of *England*, but also Popes, Bishops, &c. have granted very large and ample Privileges and Immunities to this Supream Magistrate, as every where appears in this Book; so that our Chancellors are respected by all Persons with the greatest Honour, as placed in the highest Degree of Dignity in the University, and are superior to the Mayor of the City, even sitting in Court. The Chancellor had formerly sometimes more and sometimes fewer Gownsmen for his Assistants, tho' present himself in the University (as Occasion required) whose Aid he made use of in adjudging Causes, and in dispatch of other Matters belonging to his Province, who were for the most part antiently

called his *Vicegerents*, sometimes *Commissaries*; and this last Title obtained till the Stile of *Vice-Chancellor* prevailed: And the *Chancellor*, or in his Absence the *Vice-Chancellor*, has the Designation of a Judge, or an Assessor, who with the *Chancellor* make the same Tribunal, as a *Vicar General* of a *Bishop* is in Law deemed to do; and until of late, either the *Chancellor* or his *Vice-Chancellor* ever sat in Court with his Assessor; and it is a Question, whether Judicial Acts be valid without the *Chancellor* or *Vice-Chancellor's* Presence in Court; but this is a Doubt which I had rather wave than dwell on here, because Modern Practice is against it, &c. The Assessors Jurisdiction is partly *Ordinary*, and partly Delegated; for as he cannot be appealed from to the *Chancellor*, so he cannot delegate his Power to another, i. e. he cannot delegate Acts of Jurisdiction, but only Acts of mere Execution.

All Colleges, incorporated into an University, do enjoy the Privileges of the *Chancellor's* Court, (as elsewhere said) and are therefore subject to the *Chancellor* in all Causes touching his Jurisdiction; and they are said to be incorporated, when they are admitted into the Bosom of the University, according to the Observation of those Solemnities by the Statutes and Customs thereunto requisite.

That this high Officer might not want due Honour, there are certain publick Servants, called *Beadles* (being six in Number as formerly) with a *Kirger*, appointed to wait on him and his Vicegerent, in the Condition of Servants, wheresoever they please to walk within the Precincts of the University, and especially to every solemn Assembly. These *Beadles* are to walk before him and his Deputy with Silver Staffs

Staffs in their Right Hand erected; and are of great Antiquity, even before the Memory of our extant Registers, mention being made of them long before *Henry the 3d's* Reign, but of their Number then *non constat*.

During the Vacancy of the Chancellorship, this Office was formerly executed by the Senior *Theologist* or *Divine* then in the University, who was from thence called *Cancellarius natus*, or *Chancellor born*; and he administred Oaths in the University Court, presided in the Choice of a Chancellor, affix'd the publick Seals to all Deeds and Instruments, had the Management of the University Suits, and was also vested with the Probates of last Wills and Testaments, and the Granting of Letters of Administration touching the Goods of privileged Persons: And this Right and Power he enjoy'd until *Edward the 6th's* Reign, when his Authority began to decline and change.

Altho' the Students of *Cambridge* deduce a Catalogue of their Chancellors from *St. Amphibalus* the Martyr, affirming him to preside over their Schools in the Year 289, as inserted in their Annals; and that he bore this Office in those early Days with *Mauritius* in *Constantine's* Time, *Kynot* in the Reign of our *British* King *Arthur*, *Edbert* in the Days of King *Cedwall*, and *Almerick* in the Reign of *Cadwallader*, with many others, according to the Fables and Legends of *Nic. Camelup*: yet if we will credit uncertain Conjectures, we might produce *Rectors* of the University of *Oxford* perhaps coeval with those of *Cambridge*; but 'tis sufficient for me to go no higher than our own Registers and Historians: Therefore omitting *St. Germain*, *Gildas*, *Melkin*, *Nennius*, *Kentigern*, and others, living under the Reigns of the *British* and *Saxon* Kings;

(and if we may believe *Camden's* Quotation of an excellent Copy of *Alfred Mercensis*, these not only studied at *Oxford*, but also made Statutes and Ordinances for the Government of the Students here) I shall begin the ensuing Catalogue of Chancellors, with *Grymbald*, whom none can doubt of being Chancellor of this University.

The next great Officer or Magistrate of the University, is the *Lord High Steward*, who is named by the *Chancellor*, and by his Letters Patents recommended to the University in Convocation assembled for their Approbation. His Office is also during *Life*; and, by Virtue of it, he is to assist the *Chancellor*, *Vice-Chancellor*, and *Proctors* (upon their request) in the Execution of their respective Duties, to defend the Rights, Customs, Liberties and Franchises of the University, particularly as they regard the Office of a *Steward*: He is also to hear and determine Capital Causes according to the Laws of the Land, and the Privileges of the University, when requir'd by the *Chancellor*, wherever a Scholar or privileged Person is the Party offending. And lastly, his Office is to hold and keep the University Court-Lest, at the Appointment of the *Chancellor*, or *Vice-Chancellor* (and not otherwise) either by himself, or his *Under-Steward*, in the Name of the whole University; and on the Account of this Office, the *High Steward* receives the yearly Fee of five Pounds from the University, after he has taken an Oath proper to the Duty of his Place and Office; which was first instituted by a Charter from King *Henry the Fourth*, and has been filled with many great and good Men, eminent for their Wisdom and Love of Letters; but by none so much to the Honour and Advantage of the

the University, as when the Lord *Ellesmere* supply'd this Office, who had Learning and Religion as much at Heart, as he had the Good and Laws of his Native Country; and truly, in the Knowledge and Preservation of them, he was never outdone by any of his Predecessors; and, by his constant Adherence to Truth, Equity, and an upright Conscience, he resolv'd in himself to set a noble Pattern for the Imitation of all such Persons who should succeed him in the Office of *Lord High Chancellor of England*, or in the Character of an able and faithful Minister of State.

As to the *Vice-Chancellor*, he is yearly nominated by the *Chancellor* to be elected in Convocation, and is always the Head of some College, and in Holy Orders. His Duty is, in the *Chancellor's* Absence, to do almost whatever the *Chancellor* might do, if he were present: He Licences all Books printed at the University-Press (now called the *Clarendon Printing-House*;) And also gives Licences to Taverns, Ale-houses, Coachmen, Carriers, &c. and receives the Rents due to the University, unless otherwise specially appointed to be received: Moreover, he takes Care that Sermons, Lectures, Disputations, and other Exercises be performed; that Hereticks, Panders, Bawds and Whores be expelled the University, and all converse with Students; that the Proctors, and other Officers, with the publick Servants of the University, do their Duty; and that Courts be duly summon'd, and Law-Suits determin'd without delay; and (in a Word) is to govern the University according to her Laws, Customs, Privileges and Statutes, and not at his own unruly Will and Pleasure: And therefore, it well be-
 comes the Chancellor's Wisdom, Honour and

Justice, to name hereunto a Person of sober Discretion and Understanding, of Religion and Learning, and of an exemplary Life and Conversation; and finally, a Person of a tried Fidelity in Point of Trust, whom neither Avarice, nor a vain and unjust Profusion can prevail on to become a Knave in his Office, which, at his entrance thereinto, he swears to execute honestly and faithfully, according to the Laws, Statutes, and Customs of the University. And then the *Vice-Chancellor* chuses four *Deputies*, or *Pro-Vice-Chancellors* out of the Heads of Colleges for the Exercise of his Power in Case of necessary Absence; for the *Vice-Chancellor* is oblig'd to very strict Residence, unless on very urgent Occasions of Absence, either publick or private. If any Person be suspected of *Heresy* or *Schism*, the *Vice-Chancellor* may, at the *Hebdomadal* Meeting of the Heads of Houses, convene the Person before him, and if the Person be found guilty, in the Judgment of himself, and the Houses being his Assistants herein, he may mulct him at Pleasure for the first Offence; and if the Offender shall continue obstinately in his Error, and be again brought before the *Vice-Chancellor* on this account, besides an arbitrary Mulct, he shall be obliged to retract and ask Pardon for the same on his bended Knees, publicly in the Convocation-House; and if he shall refuse so to do, or be again convict of the same, he shall be banish'd the University.

The *Proctors* are two Masters of Arts, yearly chosen out of the several Colleges by turns, according to a Cycle beginning *anno* 1629. and ending 1720. upon the Institution of the Statutes given by King *Charles* the First for the Choice of *Proctors*, in respect of the Time and Place therein prescribed. After the Election of

of these Proctors, which is now made by the common Suffrage of all Doctors and Masters of Arts in Colleges, they are presented to the Vice-Chancellor by the Heads of their respective Colleges, on *Wednesday* after the first *Sunday* in *Lent*; and then, on *Wednesday* after the *Easter Week*, they are attended to the Convocation-House by all the Members of their Colleges; at which Time and Place, the Proctors of the foregoing Year lay down the Badges of their Office, and the Senior Proctor of the Year past rising from his Chair, makes a handsome Speech concerning the Occurrences of his Year; and then the Vice-Chancellor, on a formal Presentation of the new Proctors made to him by the respective Heads of their Colleges, admits them in a solemn Manner, and gives them the Oaths of Allegiance and Supremacy, and the Proctor's Oath; then he admits them to their Offices, by delivering to them the Badges thereof, viz. the Books and Keys, under a certain Form of Words. As soon as the Proctors have accepted of their Offices, they take their Chairs, and name four Masters, of four Years standing from their Regency, to be their Deputies, who, if present, immediately take the Proctor's Oath; and, if not, they are sworn in the next Congregation, whose Office it is in Sermon time to walk the Streets, and visit publick Houses, &c. The Office of a Proctor is to intend the Business of the University, to inspect the Accounts, and to name Delegates of Appeals, to be Assessors to the Chancellor, or his Commissary, in all University Matters, and to grant Inhibitions in Causes of Appeals, &c.

Next to the Proctors, is the publick Orator; whose Province it is to write publick Letters
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according to the Orders of the Convocation or Congregation; and, at the Reception of any Prince, or great Person, who comes to see the University, to make Speeches and proper Harangues, &c. This Officer is chosen by the Convocation, and must be either a Master of Arts, or Batchelor of Law, but not of the same House with the last Person elected: He is obliged to a perpetual Residence in the University; unless in Case of Sicknes, or urgent Necessity; with which the Vice-Chancellor may dispense for a time; and if Sicknes, or other Avocations shall keep him absent above a Quarter of a Year *continuis vel interpolatis vicibus*, the University may proceed to the Election of a new Orator; and in the mean while, in Case of Absence, his Office may be supply'd by a Deputy, to be substituted by the Vice-Chancellor, and not himself.

There were anciently, as at present, certain Regent Masters chosen by the Congregation, in pursuance of Royal Grants as well as Prescription, and furnish'd with a Power of visiting all the Streets, and of seeing that all the Ways leading to the City were duly mended and repair'd; and also, that all Nuisances, as Dirt, Stones, Timber, &c. were remov'd: And if any Townsman neglected or refus'd to obey their Commands, being thereunto requir'd, (for every Man was bound to cleanse and mend the Ways before his own House or Lands;) these Masters were to summon him into the Chancellor's Court, and the Matter it self, whether Timber or Stones, &c. was forfeited to the University by way of Mulct. And this Office every one bore during the Year of his necessary Regency, and was not only called a *Surveyor* of the Streets, but oftentimes a Keeper of the

the Peace: These Masters, in the Year 1280. claim'd a Kind of immemorial Authority in Ecclesiasticals, notwithstanding the Bishop of *Lincoln's* Opposition thereunto; and to the Inquisitions made by them touching Scholars, &c. They were indistinctly wont by Clerk and Parish-Priests, as well as by Lay-men, to make these Inquisitions for the Discovery of such Excesses, &c. And the Arch-Deacon of *Oxford*, a Parish-Priest himself, gave Occasion hereinto. These Masters are now nam'd by the Proctors in Congregation, in the Beginning of *Michaelmas*-Term, and are ascertain'd in Point of Number, and have their Streets assign'd them for their particular Care; but have lost a great deal of their Authority by the new Statutes, yet they have sufficient to keep the Peace, and to take Cognizance of irregular Habits in Scholars, &c. Our Civil Law-Books call these Persons *Magistri immunditie*, who are also to take Care of the Pavement and Pitching of the Streets, and that the Passage thereof be kept open and free within the Precincts of the University.

For the better Care and Government of the Market, among other Officers, there are two stiled Clerks of the Market, who are chose out of the Masters of Art, Batchelors of Divinity, Law, or Physick; the one by the Chancellor, and the other by the Vice-Chancellor, every Year, in the first Congregation after *Michaelmas*. These Clerks are to take Care of the Assize of Bread, Beer and Wine, of Weights and Measures, the Prices and Qualities of Victuals, and other Provisions. For which End they are often oblig'd to weigh the Bread, and once a Year (at least) to gauge all Brewers Vessels, and to break or burn the same, if wanting of the statutable

table Measure; besides an arbitrary Mulct to be inflicted on the Brewer by the Vice-Chancellor. Their Business is also to take Care of Hay, and all Kind of Horse-Provender, of the just Measure of Faggots and Coals; and if defective, to distribute them among the Poor: And lastly, to see that all things belonging to the Market be expos'd to sale therein; to amerce Regrators, Forestallors, &c. or to denounce them to the Vice-Chancellor for that End: And if these Clerks shall be wanting in their Duty, on a Complaint of them to the Vice-Chancellor, they be each of them mulcted in the Sum of ten Pounds for their Neglect on the Score of Beer-Vessels, and ten Shillings, *toties quoties*, in respect of other Matters relating to their Office. They are to have in their Custody a written Inventory of all Weights and Measures, Seals and other Instruments belonging to their Office, and kept as Standards in the University-Archives: And at their entrance on their Office, besides the Oaths of *Allegiance* and *Supremacy*, they take an Oath to the University, and another for the faithful Discharge of their Duty, as Clerks of the Market, according to the Laws of the Realm, and the Statutes of the University, without Favour or Affection, Hatred or Malice, &c.

The Citizens of *Oxford* (for what Reason I know not) withdrawing the yearly Payment of the Fee-Farm Rent, from King *Edward* the First; that Prince, in the 13th or 18th Year of his Reign, thereupon seiz'd the Clerkship of the Market to the Use of the *Exchequer*, and let out the same sometimes to the Constable of *Oxford* Castle, and sometimes to others, as he cou'd make most Gain thereby: Wherefore King *Edward* the Second, by Vertue of the
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foresaid Seizure and Royal Claim (from whence his Clerkship never return'd again to the Citizens) by his Writ of 28th of *May*, in the 12th Year of his Reign, dated from *York*, command'd the Mayor and Bailiff of *Oxford*, that, for the avoiding of all Suits and Disturbances hereafter, the Tradesmen of the Town should be divided by Limits and Bounds, from all Strangers and Foreigners, in the Standing of their Goods; and likewise the City Regrators and Foretallers, from those of the Country, according to a Place assign'd by the Consent and Approbation of the University Chancellor, wherein Foreigners and Extraneous Persons should expose their Goods and Wares to sale separately from the Townsmen. And by these Letters Patents it was likewise order'd, that if the Mayor and Bailiffs, upon mature Deliberation, did not conform hereunto, the University might do the same exclusive of their Advice or Authority, as it happen'd afterwards: For about the Year 1319. the ordering of the Market was renew'd (as it had been in ancient Times) and was as follows, *viz.* That all Sellers of Straw and Hay shall stand with their Teams and Waggon in the Middle of the *High-Street*, between *Eastgate* and *All-Hallows-Church*. 2dly, That all Sellers of Faggots, and other the like Fuel, in Carts and Waggon, shall stand between *Scheyard* and a Tenement formerly of *John Maidmons*, *i. e.* between the *Lane* leading from St. *Mary's-Church* to *Oriel-College*, and the farthest House but two of the same Parish, on the *South* side of *High-Street*. 3dly, That the Timber-Merchants shall stand between a Tenement called *St. Thomas's-Hall* and *St. Edward's-Lane*, *i. e.* between a Tenement lately called the *Swan-Inn*, the utmost House but one of St.

St. Mary's Parish, on the South-side of *High-Street*, and a Street leading from *All-Hallows Church* to *Peckwater-Inn*. 4thly, That the Sellers of Hogs and Swine shall stand between *St. Maries* and *All-Hallows Church*, on the North-side of *High-Street*. 5thly, That Beer and Ale-Drapers shall stand between *St. Edward's Lane*, and the *Chequer-Inn*. 6thly, That the Sellers of Roots and Coals shall stand between *St. Edward's Lane*, on the North-side of *High-Street*, opposite to the Ale-Drapers, and a Tenement formerly belonging to *John de Hampton*, which *Richard Woodhay* held for Life. 7thly, That the Sellers of Gloves and Whytawyers, i. e. the Furriers and Botchers shall stand between *All-Hallows Church*, and a House then belonging to *John le Goldsmith*, held of *Great University-Hall*, on the North-side of *High-Street*; which House was next but one to the *Mitre-Inn*. 8thly, That the Furriers, Linen and Woollen-Drapers shall stand between *le Goldsmith's House*, and the two-faced Pump. 9thly, The Bakers shall stand between *Cairfax Conduit* and *North-Gate*. 10thly, That the Tanners shall stand between *Cairfax* and *Somers-Inn*. 11thly, That the Sellers of Butter, Cheese, Milk, Eggs, Beans, Pease, shall stand from the Corner of *Cairfax* towards the *Old Bailly*. 12thly, That the Sellers of Scullery-Ware shall stand between the *Flower de Lys*, and the *Red Lyon-Inn*. 13thly, That the Corn-Market shall be between *Mauger-Hall*, i. e. the *Croft-Inn* and *North-Gate*: Of the Butchers no mention is made, tho' there be of many others too long to enumerate here. And thus the Market continued till the Time of the great Conflict in *Edward the Third's* Reign, who took away the same from the Citizens, and granted the

he Right of the Market in a particular Manner to the Chancellor of the University; who has since changed many of these Standings for the better Convenience of the University and City both.

Great Complaints were made to the King by the Chancellor and Proctors of the University, touching the unjust and excessive Prices of Provisions in the Market at Oxford; whereby many of the poorer Scholars almost living on Charity, were oblig'd to leave their Studies here: Whereupon the King, by his Writ transmitted to the said Chancellor, commanded him to publish the Prices of Provisions, as appointed by him and his Parliament, which was ordain'd in his Manner, viz. That the best living Ox, being not fatted on Grain, should be hereafter sold for 18 Shillings, and no more; and if fatted on Grain, for 24 Shillings at the utmost; and the best living Cow or Heifer being fat, for 2 Shillings. A Sheep of two Years old, for 10 Pence, if fat, and with a great deal of Wool; but if shorn, and not very fat, for 20 Pence; and a Sheep of less Size, for 14 Pence. A Goose, for 2 Pence farthing; and a fat Capon, for 1 Pence; a fat Hen, for a Penny; 24 Eggs, for a Penny; two Pullets or Cockerels, for a Penny; four Pidgeons, for a Penny: And these Prices, with some Alterations, were order'd to be observ'd in other Places; from hence it is, that these things are recorded by many Historians.

What we call the *Archives* is a Place where Charters, Evidences, and ancient Records are kept for publick Use and Service: And thus are the University *Archives* a Repository of publick Acts and Instruments, touching the Privileges, Customs, Liberties, and good Government thereof. The Place assign'd for these Evidences

vidences is the upper Room over the Eastern Gate of the publick Schools, opposite to the Entrance into *Hart-Hall*; and the Keeper thereof is a publick Officer belonging to the University, and chosen by the Convocation; whose Duty it is to collect and lay together therein, all Muniments and Charters, as well authentick as others, which do any wise concern the Estates, Possessions, and common Rights and Privileges of the University, or the Endowments of publick Lectures, and all other Records and Registers relating to the University; and also to dispose and digest them into proper Order, that they may easily be found and come at, as Need shall require, according to the Proviso in the Statute *de Chartis ac Munimentis, &c.* And being thus reduced into Order, he is obliged to be so well vers'd in the same, that he may be always in a Readiness to assist the Chancellor, and all other the Magistrates of the University, in case of Exigency, on a Defence of our Rights and Privileges. All Scholars, Graduates and Non-Graduates, enjoying the Privileges of the University, (except Servitors and poor Scholars) do yearly contribute one Shilling for the keeping thereof; and out of this Collection of Money, the Vice-Chancellor ought yearly to pay the Sum of 40 *l.* (at least) to the Keeper thereof by way of Salary; which Keeper shall continue in this Office so long as he shall behave himself well and faithfully therein, according to the Judgment and Opinion of the Convocation, and no longer. At his Admission thereinto he swears, safely to keep all Charters, Muniments, Registers, and all other Evidences of his Trust, belonging to the University, and not to reveal the Secrets of the same: But this Oath does not oblige him to keep them from the Inspection of
such

such Persons as have an Interest therein, and if he shall refuse the sight of them upon a Request made to him for that End, he may be complain'd of to the Convocation, or to the Vice-Chancellor and Proctors, and they shall judge thereof, and according to their Discretion make an Order : and if he shall then refuse the same, he may be strip'd of his Office by the Convocation. It has been a Question, whether he ought to have any Fee for his Search and Attendance ; but as there is none prescribed, I conceive not ; Yet it will not be sufficient for him to say, in case of a Refusal (as aforesaid) that the Statute of his Office does not command him to search and attend in a private Case ; for that would have been needless, the very Nature of the Office bespeaks the same ; and altho' the present Officer be a Head of a House, yet he ought to vouchsafe us poor and humble Fellows, a Condescension of his Presence, when request-ed thereunto, in the Execution of his Office : But the Difficulties, which some honest Gentlemen of *All-Souls* College, and elsewhere, have lately met with in procuring a Sight of the Archives in their own necessary Defence, ought to be a standing Caution to the Convocation for ever, how they make Choice of a great Man for this Office, unless he be super-eminently qualified for the same.

C. H. A. P. III.

Of the Ministers and Servants of the University.

THE Register of the University or Convocation, is a publick Servant, and is chosen by Scrutiny after the same manner in Convocation as other Officers of the University are; and ought to be a Master of Arts, or a Bachelor of Law; and a publick Notary at the time of his Election; who at the said time ought on his Admission to swear to the Observance of the Statutes, Privileges, Liberties, and Customs of the University, and also to the faithful Discharge of his Office: Which is, to be present at all Convocations, Congregations and lesser Assemblies in the University, either by himself or his Deputy, from the Beginning to the End thereof, clad in a Habit proper to his Degree; to register within a Week's Time all Acts, as Dispensations, Graces, Elections, Licences, Decrees, Statutes, &c. to reduce into Writing all Letters sent or received by the University, all Leases, Indentures, Grants, and other Matters of greater Consequence, which pass the publick Seal of the University, or that of the Chancellor's Office: and lastly, to register all Acts in judicial Causes ventilated before the Delegates of Appeal, and to keep these Registers, and to collect and receive the University Rents, and to enrol an Account of the Rents receiv'd, under the Pain of 13 s. 4 d. for every Offence, except that of 40 s. for not registering of Decrees according to Statute.

According to the Charters, Privileges, and Customs of the University, there are six publick Servants, called *Beadles*, *Criers*, and *Foot-Messengers*; three of the superior Order are stiled *Esquire Beadles*, and the others named *Town-men Beadles*; and although the *Esquire Beadles* may think themselves Great Men from their vulgar Appellation, yet their Employment is as mean and servile as the Cook or Butler of a College. They are constantly to reside in the University, and not to go out of Town without the Vice-Chancellor's and Proctors Leave; and their Duty is to wait on the Chancellor, or his Vice-Chancellor, upon all Occasions, (especially on his going out to publick Acts and Exercises) and to divide into Circuits the whole University, and therein severally to execute their Employments; as to denounce and proclaim the Chancellor's or Vice-Chancellor's Mandates and Precepts; and at either of their Commands to arrest and carry Persons to Goal, under Pain of losing their Places on Refusal thereof, or if they suffer a Person once arrested to make his Escape. They are also to execute all Summons and Citations, to call Courts and University-Lects, and to warn Convocations, to wait on all publick Professors to the Schools, and to have them home again; to report the Names of Scholars absent from Lectures to the Vice-Chancellor, and at the Vice-Chancellor's, Proctors, or Professor's Pleasures, to call over the Names of the proper Auditors in each School, and at the End of every Month after the Quarter, to demand all Mulcts from the Heads of Houses for the Mis-feazances of their Members herein; and if they neglect frequenting the Schools at the Time of Lectures, the Proctors or each Lecturer may mulct them in the

Summ of 12 *d.* to be divided between the Proctors and Lecturer ; and if they neglect to demand the Mults of absent Scholars, or delay to return their Names, refusing to pay these Mults, they are at the Vice-Chancellor's Discretion. The Beadle's Duty is moreover to be present at all Disputations, and to carry to the Schools and bring back the Moderators and Respondents from Disputations, and to do many other Acts of Servitude and low Employment, too numerous to be here remembered, tho' they may strut and look big under the Weight of a Silver Staff. On the Vacancy of any of these Employments, the Vice-Chancellor summons a Convocation, to proceed to the Choice of a new Beadle ; unto whom an Oath is given in *Latin*, if he understands it, and if not, then in the *English* Tongue ; which is a plain Declaration, that the University, at the Time of making their new Statutes, thought the Business beneath the Education of a Fellow of any College, unless it should be suppos'd, (which can hardly be imagin'd) that in some Colleges there should be found Persons so illiterate and unlearned, as not to understand plain *Latin*. These Beadles enjoy their Places during Life, unless they deserve Amotion for some great Offence : Yet in the first Congregation in *Michaelmas*-Term, they solemnly lay down their Stuffs, by way of Submission, at the Vice-Chancellor's and Proctors Feet, and depart the House, until the Vice-Chancellor has put the Question touching their Behaviour in the fore-going Year ; and if no Objection be made thereunto and proved, they resume them again : And if the Fault be small, an Admonition with a Suspension and Loss of Salary for a Time is sufficient ; but if of a heinous Nature, then Deprivation of Place ensues.

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Altho' the University anciently made Use of four Stationers, from the Condition of those Times, and the Office it self; yet at present, one Stationer or Virger is sufficient, who is a Servant chosen after the same manner as the Beadles, and other publick Servants of the University; and his Duty is, at all publick and solemn Acts and Assemblies of the University, to carry a Silver Rod, as the Badge of his Office, before the Vice-Chancellor, to attend the Grand Compounders to Church, and to the Schools, and to fetch them back again; and with one of the Beadles, to make Inventories of the personal Estates of all Scholars and Priviledged Persons of the Chancellor's Jurisdiction, and dying within the Precincts thereof, or any ways forfeiting the same; and having made Schedules and Inventories thereof, to render a just and faithful Account.

Besides the publick Servants already mention'd, there are others, as the Clerk of the University, whose Duty it is either by himself, or his Deputy, to ring and toll the Bells for the calling together all publick Assemblies, and for the Performance of all publick Exercises, &c. to look after the Clock, and to cleanse the Schools, and other publick Places of the University; and also to open and shut the School-Gates, &c. The University Bellman, whose Duty it is, either by himself or his Deputy, to give Notice by the ringing of a small Bell, of the Funerals of all Doctors, Masters, Scholars, and other priviledged Persons throughout the whole University and City in a solemn Manner, being clad in Mourning, and thus to attend the Corpse to Church, and to the Grave; and for this he receives a Fee: His Office is also to publish (as a Cryer) all the

Vice-Chancellor's Orders throughout the University and City; and he is chosen by the Chancellor or his Vice-Chancellor, as the Clerk of the University is, and enjoys his Place for Life. The Bailiff of the University is appointed by Letters Patents from the Chancellor, and holds his Office for Term of Life; who every Year, at the Beginning of *March*, is to take a View of all the University Tenements in *Oxford*, and to report the Condition of the Buildings to the Vice-Chancellor; and also to make Terriers thereof, and register the same. His Duty is also to take a View of all Estates, whether anciently or lately given to the University, for the Endowment of Lectures, and other Uses; and his Salary is 6 *l.* 13 *s.* 4 *d.* per ann. I had almost forgot to acquaint the Reader, that it is the Business of this Person to seize all Felons Goods belonging to the University, &c.

C H A P. IV

Of Lectures, and Lecturers, Doctors, Masters, Scholars, &c.

FROM the publick Servants of the University, I pass to Persons of an Honourable Station therein, and first I shall begin with Lecturers, Professors, &c. But before I speak of the publick Lectures now read here in the several Sciences, I will briefly treat of those which were anciently erected and establish'd among us, and from whence many of the present have their Rise, or (at least) their Form, &c. The first of these were those ancient Royal Lectures founded and endowed by *K. Alfred*, with per-

perpetual Stipends; which may be seen P. 20. in the *First Part* of this Work. In the Year 1136 *Rob. Pullen* also read Divinity-Lectures; as has been already observed, P. 30. But these Lectures were intermitted, and then resumed again, according to the State of different Seasons. The next endowed Lectures were those, which *Thos. Linacre* of *Canterbury*, sometime Fellow of *All-Souls College*, and Physician to King *Hen. VIII.* founded here; at the Time of his Death conveying certain Lands in *Kent* (called the *Mannor of the Tracies*) to Sir *Thomas More* Knight, Bishop *Tonstall*, and others, for the Maintenance of three Lectures in Physick, viz. two at *Oxford*, and a third at *Cambridge*. But the only Stipends were paid to our two Lecturers in his Life-time, (as appears by a Letter from the University to him) yet these Lectures were endowed with a perpetual Revenue, long before his Death. But in the 3d of *Edw. VI.* (the Time of his Decease) the Realm being then employed in the Reformation of Religion; and his Trustees being some of them dead; and *Tonstall* (the only Survivor) being deprived of his Bishoprick, these Lectures, with the Estates devis'd to them, were consign'd over to *Merton College* by *Tonstall*, at the Instance of his Friend, Dr. *Raynolds*, then Warden thereof. And by Composition between the Bishop and the College, made Dec. 10. the two Lecturers of that College were oblig'd to read publicly in the University on *Galen* and *Hippocrates*.

There were anciently two sorts of Lectures, the one stiled *Cathedral*, and the other termed *Stated* or *Ordinary Lectures*.

The *Hebrew*, *Greek*, *Chaldaick* and *Arabick* Lectures, founded by a Constitution of Pope *Clement V.* for the better Learning of those Languages,

guages, were read for many Years, not only at *Oxford*, but also at *Paris*, *Bononia*, and *Salamanca* ; and 'tis easy to assign a Reason why *Cambridge* had not these Lectures then, *viz.* because they had no Schools then erected in that University. On the Death of *Clement V.* Pope *John XXII.* sent Letters to *Oxford*, for the perpetual Confirmation of these Lectures, and of the Lecturers Stipends.

Altho' Lectures in all Arts were of the same Date with Academical Degrees, and therefore in a Manner coeval to the University it self ; yet ('tis probable) that Lecturers were without Stipends, from the Time of the *Norman Conquest* to the Reign of *K. Henry VI.* when *John*, Duke of *Bedford* and *Anjou*, (the King's Ambassador in *France*) at the Instance of his Brother, (Duke *Humphry*) endowed the same, by giving a large Summ of Money for this End, which was lodg'd with his Books and other Furniture for this Use in a Chest, called the *Chest of the seven Liberal Arts, and the three Philosophical ones*, in the Custody of the University Chaplain and his Successors. Hereupon the University erected Publick Schools in *School-street*, and transferr'd these Lectures thither, not only for the Convenience thereof, but to perpetuate the Memory of the Benefaction, and in how great Esteem they were, appears by Letters sent from the University to these two Dukes : In Imitation of whose Piety, *K. Edw. IV.* founded here a Divinity-Lecture, for which the University in a Letter return'd him Thanks, and by a Statute commanded a solemn Anniversary on the Feast of *St. Dennis*, with so many Masses for his Soul. But what became of this Lecture afterwards, with several others, we are at a Loss to know ; yet 'tis certain that this, and those of Arts, brought

A. D. 1432.

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brought on the Lectures of the Lady *Margaret*, and of Cardinal *Woolsey*.

Londinensis will have it, that the *Margaret*-Lecture at *Oxford* commenc'd on the 8th of *June*, 1508. on purpose to render the other, founded at *Cambridge* by the same Lady, coeval with this at *Oxford*; but herein he is much mistaken: For the Countess of *Richmond*, desirous of shewing her great Affection to *Oxford*, obtain'd a Charter or License of her Son K. *Hen. VII.* of the first of *March*, 1496. for the founding of^{12 Hen. 7.} this Lecture here, from that Time maintaining the Lecturer at her own Expence, till the King's Confirmation of him by a Charter of the 7th of *September*, 1502. when he agreed with the Abbot and Convent of *Westminster* to pay twenty Marks *per Ann.* to the said Lecturer, giving about this Time certain Revenues to the said Convent, which by Covenant obliged them^{18 Hen. 7.} selves to pay this Sum for ever, by even Portions at *Michaelmas* and *Easter*; and in Default thereof, at the End of seven Weeks after, the said Lecturer might enter and distrain this Convent's Lands, lying in the Mannors of *Drayton*, *West-Drayton*, *Hillington*, *Colham*, *Uxbridge*, *Willesdon*, *Paddington*, *Westburne*, *Kensington*, &c. for Satisfaction of the Arrears; and besides this Remedy, if this Convent remain'd in Arrears for two Months, it was then to pay a Fine of 40 Shillings *toties quoties*, by way of Penalty; for which the Lecturer might also distrain. This Money, on the Convent's^{32 Hen. 8.} Dissolution, reverted to the Crown; but the King, by a Letter of the 20th of *June*, the same Year, declared, that he would not suppress this Lecture; wherefore *June 24.* it was order'd by^{35 Hen. 8.} the Chancellor and Court of Augmentation, that the Treasurer thereof should yearly pay this

this Stipend, which Order the King, on the 26th of June this Year, confirm'd. By this Charter the Countess would have this Lecture bear her own Name; that the Professor should be a Body Politick, to be elected by all Doctors and Batchelors in Divinity of the Convocation, every 2d Year; and to read the 1st Day of every Term, and so on all legible Days (except in Lent) on the holy Scriptures in the Divinity School.

The next Lecture I shall here treat of, tho' not in Order of Time as endowed, is that of History, founded by *William Camden Esquire, Clarencieux King at Arms*, and Master of Arts in this University; who gave thereunto the Mannor of *Boxley in Kent*, with all its Appurtenances, as a Provision for a perpetual Reader in History, for whose Stipend the University now receives 140 l. *per ann.* But after a certain Term of Years, the Rents and Profits of the whole Mannor amounting to the Sum of 400 l. *per Ann.* or thereabouts, devolve to the University, for the Use and Benefit of this Professor. The Charter of this Donation bears Date the 5th of March, 1622. and was the same Year publish'd in the Convocation-House; and the Year following Mr. *Camden* was enrolled as a publick Benefactor. The Lecturer's Duty is to read twice a Week, viz. on *Mondays* and *Fridays*, between the Hours of one and two in the Afternoon, in the History-School on *Lucius Florus* or any other ancient and approved Authors; at which Lectures all Batchelors of Arts, from the Time of their *Determinations*, and Students in Law, are obliged to attend.

About the same Time was founded and endowed the *Moral Philosophy* Lecture by *Thomas White S. T. P.* Treasurer of the Church of *Sarum*, Prebendary of *St. Paul's in London*, and Canon

May 17.

Canon of *Christ-Church* in *Oxford*; who by a Deed enrolled for this End on the 14th of *June*, convey'd unto this University the Mannor of *Langdon-Hills*; out of the Rents of which Estate, besides 100 *l. per ann.* to be paid to this Lecturer, he assign'd 50 *l. per ann.* to other charitable Uses; See *Magdalen-Hall*, Page 455. This Founder appointed, that after his Death this Lecturer should be chosen from five Years to five Years, by the Vice-Chancellor for the Time being, the Dean of *Christ-Church*, the President of *Magdalen-College*, the President of *St. John's College*, and the two Proctors of the University of *Oxford* for the Time being; and he is obliged on *Tuesdays* and *Fridays*, at 8 a Clock in the Morning, to read on *Aristotle's Ethics*, *Politics*, and *Oeconomicks*, in the *Moral Philosophy-School*, to all Scholars of one Year's standing, till they become Batchelors of Arts.

In the Year 1619, Sir *Henry Savile*, Knt. observing, that the Study of *Mathematicks* was very much neglected; and being desirous to apply a Remedy thereunto, lest that the same should wholly decay; by Royal Authority, and with the Consent of the University, founded and endow'd for ever two publick Lectures, the one in *Geometry*, and the other in *Astronomy*. The Professor of *Geometry* is properly to read on the 13 Books of *Euclid's Elements*, *Apollonius's Conick Sections*, and all *Archimedes's* Books; and expounding on the same, to leave his Notes and Observations thereon in the University Archives in Writing: It is moreover the Duty of this Professor to teach and explain *Arithmetick* of all kinds, *Practical Geometry*, or Measuring of Land, *Musick*, and *Mechanicks*, at a proper Season most convenient for him. And for the better Fulfilling hereof, *Savile* has left him

him the Use of a Choice Library of *Mathematical* Books, Tables, Maps, and all Instruments relating thereunto; which being for the Service of each Professor, they are oblig'd to render an Account thereof, and to make amends for the Loss or Damage of them, according to the Indentures by them given to the Chancellor, Masters, and Scholars of the University; and by the Oath taken by them at their Admission.

The Professor of Astronomy's Business is to explain the whole *Ptolemaick* System, and (in due season) that of *Copernicus*, *Geber*, and other Modern Astronomical Discoveries; and to leave his Notes in Writing as aforesaid: And it is moreover his Duty to teach and read on *Opticks*, *Dialling*, *Geography*, and *Navigation*, at proper Times; but he is prohibited the Doctrine of *Nativities*, and *Judicial Astrology*. Besides publick Lectures in the Schools, the *Geometry*-Professor is bound to instruct all Youth willing to learn, in practical *Arithmetick* once a Week (at least) at his own Lodging, or some other adjacent Place, for the Space of an Hour. All Persons from two Years standing till one Year after Bachelor compleat, are to attend this Professor; and then they are obliged to be present at *Astronomy*-Lectures, until they take their Master of Arts Degree, under the Pain of 6 *d.* Mult for their Absence *toties*, &c.

These Professors may be chosen out of any Nation in Christendom, provided they be Persons of good Reputation, and have a tolerable Knowledge in the *Greek* Tongue, and are also 26 Years of Age. And if he be an *Englishman*, then he must be of the Degree of a Master of Arts (at least) without any Dispensation for want of Time, or doing of School-Exercise. And as often as either of these Professorship become,

become vacant, the Vice-Chancellor is to signify the same in Writing unto the *Arch-Bp. of Canterbury, the Lord Chancellor of Great Britain, the Chancellor of this University, the Bp. of Lond. the Principal Secretary of State, the Chief Justices, the Chief Baron of the Exchequer, and the Dean of the Arches*; who are to elect hereunto, and to be the Visitors hereof; and then on a Transmission of their Choice, the Person elected is admitted by the University in the Congregation-House.

The *Savilian* Professors, after their Admission, are expressly forbidden to accept of any Ecclesiastical Benefice *cum Curâ vel sine Curâ*, or any Prebend, Canonry, Arch-Deaconry, Headship of any College, Hall or Hospital, or any Fellowship in either, or any publick Office in the University, under pain of losing their Professorships *ipso facto*: And if either of them shall have such Benefice, Place or Office (as foresaid) before his Admission, he is oblig'd to part with the same within six Months from his Admission, under the like Penalty. Those Stipends which were formerly given to the four Ordinary Lecturers in the *Mathematicks*, are now equally divided between these two Professors, who are in no wise obliged to attend Congregations or Convocations.

The *Anatomy* Lecture was founded by *Richard Tomlins*, who for the perpetual Succession and Continuance thereof appointed the King's Professor of *Physick* in the University for the Time being, to be the perpetual Reader of this *Anatomical* Lecture: And the said Lecturer, by the Charter of *K. Charles the First*, is empower'd every Spring, immediately after the *Lent* Affixes, to demand the dead Body of any condemn'd Malefactor, suffering Death within one and twenty Miles round *Oxford*, before it is interr'd, by

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by directing his Precept of Warrant to the Sheriff, Under-Sheriff, or his Bailiffs, &c. for procuring and delivering up the same; which Body shall be dissected by a skilful Chirurgeon in the Presence of this Professor, who is publickly to read thereon, and to shew and describe the Situation, Use, Nature and Office of all the Parts of the Body, at four distinct Lectures, as prescrib'd in the Statute made for this purpose. This Lecturer is also every *Michaelmas* Term to read three distinct Lectures on a Skeleton, and to give an account of the Bones and their Office, Situation, &c. And to this Lecturer there is yearly paid by way of Pension 25 *l.* viz. 12 *l.* 10 *s.* at *Lady-Day*, and the same at *Michaelmas*, out of which Pension the Lecturer pays three Pounds to the Chirurgeon for preparing the Body, and 40 *s.* for burying it. All Students in *Physick*, and Chirurgeons, in the University, are oblig'd to hear this Professor read his said Lectures, under the Pain of 2 *s.* Mult *totes quies* abient. The Chirurgeon is in the Nomination of the Professor.

Sir *William Sedley*, of *Aylesford* in *Kent*, Knt. and Baronet, having been once a Student in this University, retain'd so great an Affection for his indulgent Mother, that by his last Will and Testament of the 29th of *October*, 1618. he bequeath'd the Sum of 2000 *l.* to this University, to be laid out in the Purchase of certain Lands, for the Endowment of a Lecture in *Natural Philosophy*; and with this Money, after they had obtain'd a Licence of Mortmain, *Sedley's* Executors bought an Estate at *Waddesdon* in *Buckinghamshire* of 120 *l.* per Ann. and by a Deed Tripartite, made between *John Sedley* of *Aylesford* Baronet, on the one Part, *George Croke* of *Watterstock*, Esq; and *George Hirst* (whose Estate this

A. D. 1620.

his was) on the 2^d Part, and the Chancellor, Masters and Scholars on the 3^d Part, this Estate was conveyed to the University for ever, for the aforesaid Purpose. The Professor of *Natural Philosophy* reads twice a Week in full Term, viz. on *Wednesdays* and *Saturdays* at Eight o'clock in the Morning, and is heard by all Bachelors of Arts, under the Pain of a Groat for Absence in an Auditor, and Ten Shillings for the Professor's not Reading.

In the Year 1626 *William Heyther*, Doctor of Musick, for the Love he bore this Science or Faculty, founded at Oxford a Lecture therein, and endow'd the same with an Estate of 16 *l.* 5 *s.* 8 *d.* per Anni. at *Chislehurst* in *Kent*, allowing to a Master of Musick for Repair of Instruments and a House, 13 *l.* 5 *s.* 8 *d.* and the other 3 *l.* for teaching the Theory thereof once (at least) every Term; and as an Addition hereunto, *Heyther* pray'd the University to pay again the antient Salary of the *Moral Philosophy* Lecture, viz. 40 *l.* 5 *s.* which the Convocation, in Complaisance to this Benefactor, comply'd with, and accordingly decreed. As often as the Professorship in Musick becomes void, the Vice-Chancellor, Dean of *Christ-Church*, President of *Magdalene College*, Warden of *New College*, and President of *St. John's*, for the Time being, have the Nomination and Approbation of a Successor; as the Vice-Chancellor, President of *Magdalene College*, and Warden of *All-Souls College* have for the supplying of a Vacancy in the *Natural Philosophy* Lecture.

Before the Cardinal Lectures in Divinity, Law, Physick, Philosophy and Mathematicks, which were for some time read in *Corpus Christi College-Hall*, could be confirm'd by Act of Parliament; they, with the College begun by *Woolsey*,

fry, were adjudg'd to the King by way of Forfeiture, upon the Score of a *Premunire*, which the Cardinal had incurr'd. But the King, to recommend himself to Learning, with which he was so well acquainted, and to cut off all Occasions of Complaint against him for suppressing *Woolsey's* Munificence, he endow'd and settled Stipends on five Lectures himself; which Settlement notwithstanding was not made by the King, until after a long Silence of Years: Yet before he resolv'd on the founding of these Lectures, he founded a publick Lecture in each University, and reserv'd to himself the Power of naming the Professors, and the Faculties wherein they were to read: And for the Maintenance of these Lectures, he did by Consent of Parliament remit First-Fruits and Tenth's to all Colleges, provided that both Universities, with the Colleges of *Eaton* and *Winchester*; did (in memory of him) celebrate two Anniversaries, the one on the 8th of *May*, and the other on the 8th of *October*; and hereupon he made *Richard Smyth* his *Divinity* Professor (being the first King's *Divinity* Professor at *Oxford*) until such time as he should establish his five other Lectures. But then King *Henry* the 8th suppressing these two Lectures, he founded five others in each University, viz. in *Divinity*, *Hebrew*, *Greek*, *Law*, and *Physick*; to each of these Professors he assign'd a yearly Revenue of 40 *l.* to be paid by the Dean and Chapter of *Westminster* then newly founded: But the said Dean and Chapter, that they might be exempt from so great a Charge, amounting in the whole to 400 *l.* by a Deed in Writing convey'd over to the King their Lands, Mannors, Rectories, &c. which were given to the Dean and Chapter of *Christ-Church*, and they oblig'd themselves to pay these

these Salaries to the Professors of *Divinity*, *Greek* and *Hebrew*; and the other two Stipends of 40 l. *per Ann.* each, are paid out of the Royal Exchequer. But these are not all the Endowments belonging to these Lecturers: For to the *Divinity* is annex'd (besides) a Canonry of *Christ-Church*, and the Rectory of *Ew-Elme* in *Oxfordshire*; to the *Hebrew*, a Canonry of *Christ-Church*; to the *Law*, a Lay-Prebend in the Church of *Sarum*; and to the *Physick*, the Government of the Hospital at *Ew-Elme* aforesaid. The Professor of *Divinity* reads on *Mondays* and *Fridays* at Nine a Clock: And his Hearers are all Masters of Arts of a Years standing, until they becomie Doctors in *Divinity*, or are of Doctors standing in this Faculty. The Law-Professor reads on *Tuesdays* and *Thursdays* on some Part of the Civil Law in Use here in this Realm: And his Hearers are all Students in Law till of Doctors standing. The Physick-Professor reads on *Tuesdays* and *Fridays*, at Eight in the Morning, on *Galen* or *Hippocrates*: And his Hearers are all Students in *Physick*, till of Doctors standing. The *Hebrew*-Professor reads on *Tuesdays* and *Thursdays*, at One in the Afternoon, unto all Batchelors after their *Determinations*, till they are promoted to a Master's Degree, and one Year afterwards. Besides these, there are Lectures in *Grammar*, *Rhetorick*, *Logick* and *Metaphysicks*, which are not endow'd: But the *Arabick* Lecture, founded *anno* 1636. by Arch-Bishop *Laud*, has a Stipend of 40 l. *per Ann.*

In the *Civil Law* all Professors are called Doctors without any Distinction: And every Science is said to be more noble (according to the *Canonists*) by how much the Subject itself *Abbas, &c.* of such Science is more noble and exalted, than

the Subject of another, as we say in the like Case, *tanto quis melior est quantò melioribus præst.* Thus the *Canonists* reckon the Subject of the *Canon* Law more noble than that of the *Civil* Law ; because the Subject of Knowledge in the *Civil* Law is Man as he may be directed to the common Good ; but this Subject in the *Canon* Law, not only leads a Man to the Good of the Community, but also to the Knowledge and Glory of God, according to the Scriptures: But Doctors of Law ought to have the Precedence of Doctors of *Physick*, and Masters of *Arts* (as they have in all Countries) because their Science is of a more elevated Nature in respect of the Subject. But the Study of *Divinity* has a more noble Subject than all others ; because it principally treats of God himself, as appears from the Etymology of the Word *Theologia*. Under the Name or Title of Masters come all Doctors of what Faculty soever they be ; and by use in *Italy* it has obtain'd, that only such as are promoted in Law, are stiled Doctors ; but in other Faculties, they are called Masters: Yea, all Professors, or Persons presiding over any Science or Faculty, are term'd Masters, according to the Derivation of the Word *Magister*, à *Magistrando*, as Doctors, à *Docendo*. Yet Scholars come not under the Appellation of Doctors and Masters, altho' in a large Signification Doctors and Masters are comprehended under the Stile of Scholars ; since they are called Scholars from frequenting the Schools, and being at leisure to attend Scholastick Exercises.

Scholastick Honours or Promotions are called *Degrees*, because they are given *gradatim*, as Persons by a Progress in Learning advance themselves thereunto ; and these Degrees are by

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Universities granted to Scholars, as the honourable Rewards and Badges of their Studies. In all foreign Universities there are three Degrees, viz. That of a Batchelor, of a *Licentiate*, and of a *Doctor* or *Master*; for in *Philosophy* and *Divinity* those are named Masters, and in *Law* only Doctors, as just now observed. When these special Honours or Ornaments of Degrees had their first Beginning do's not appear among Authors; but it is highly probable, they were as ancient as Universities themselves. Mid. de Acad. Lib. 1. p. 120. Accordingly, in every University, the first Degree there taken in any Faculty, after the End of a certain Term of Years by Statute prescrib'd, is that of a Batchelor, receiving its Etymology, à *Baccha Lauri*; for in Laurel, those small or little *Pillula* are called *Baccha*, which this Tree buds forth as Flowers: And because there is Hope from the Flower, this Term *Baccha-Lauri*, is given to young Students, in Hopes they will afterwards merit the Laurel Crown. In some Universities this Degree is not given on a stated Term of Years spent therein, but according to the Sufficiency and Learning of the Candidate on his Examination; who is examin'd by Doctors, Licentiates, &c. appointed for that End. But in other Universities, this Degree is not conferr'd without waiting the statutable Time, which varies in many Places; in *Oxford* four Years, *Salamanca* five, &c. The Degree of a Licentiate is not in Use in either of our two Universities, so called from the Word *Licentia*, which is given to a Person of this Degree to ascend to a Doctor's or Master's at his Pleasure; wherefore a very strict and rigorous Examination is requir'd for the same, since the highest Degree in Learning follows thereupon, viz. that of Doctor; who has ma-

ny super-eminent Privileges granted him in the *Civil* and *Canon* Law, as may be seen in *Rebuffus*, &c. As to the Rewards and Salaries of Professors, according to the *Civil* and *Canon* Law, they are either reckon'd as *Usufructuaries*, or as *Pensioners*: *Usufructuaries* are such as are in Possession of the Estate themselves, out of which their Profits and Stipends do issue; and they have a Right to all the Profits which shall be separated from the Estate during their time, whether received or not: Yet if they shall lett a Lease, and make the Rent payable to them and their Successors, the Rent shall grow due to the Successor, and not to the Executor, tho' the Professor died the Day before the Time of Payment; for this is the Professor's own Act, that it shou'd be so. Pensionaries, or Pensioners, are such as are not in the Tenure and Occupation of the Estate themselves; but have a Right to a Portion of the Profits thereof in the Possession of another, so soon as they become payable: And such are many of our Professors at *Oxford*; who, if they die or quit their Lectures, before the Profits are due and payable, do lose the same, for they go to their Successors: Some will have it, that they ought to be paid *pro Rata Laboris*, which seems the more equitable Way; but Custom must determine in all these Cases.

An ACT concerning the several Corporations of the Universities of Oxford and Cambridge; and the Confirmation of the Charters, Liberties and Privileges granted to either of them.

Elizabeth R.

FOR the great Love and Favour that the Queen's most Excellent Majesty beareth towards her Highnesses Universities of *Oxford* and *Cambridge*, and for the great Care that the Lords and Commons of this present Parliament have, for the Maintenance of good and godly Literature, and the vertuous Education of Youth within either of the said Universities; and to the Intent, that the ancient Privileges, Liberties, and Franchises of either of the said Universities, heretofore granted, ratify'd and confirm'd by the Queen's Highness, and her most noble Progenitors, may be had in greater Estimation, and be of greater Force and Strength for the better Increase of Learning, and the further Suppressing of Vice: Be it therefore Enacted, by the Authority of this present Parliament, that the Right Honourable *Robert*, Earl of *Leicester*, now Chancellor of the said University of *Oxford*, and his Successors for ever, and the Masters and Scholars of the same University for the Time being, shall be incorporated, and have a perpetual Succession in Fact, Deed and Name, by the Name of the Chancellor, Masters and Scholars of the University of *Oxford*, and by none other Name or Names, shall be called and named for evermore: And that they shall have a Common Seal to serve for their necessary Causes, touching and concerning the said Chancellor, Masters and Scholars of

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‘ the said University of *Oxford*, and their Suc-
 ‘ cessors. And likewise, that the Right Ho-
 ‘ nourable Sir *William Cecil*, Knight, and Ba-
 ‘ ron of *Burghley*, now Chancellor of the said
 ‘ University of *Cambridge*, and his Successors
 ‘ for ever, and the Masters and Scholars of the
 ‘ same University of *Cambridge* for the Time
 ‘ being, shall be incorporated, and have a per-
 ‘ petual Succession in Fact, Deed and Name,
 ‘ by the Name of the Chancellor, Masters
 ‘ and Scholars of the University of *Cambridge*,
 ‘ and by none other Name or Names, shall
 ‘ be called and named for evermore : And that
 ‘ they shall have a Common Seal to serve for
 ‘ their necessary Causes, touching and concern-
 ‘ ing the said Chancellor, Masters and Scholars
 ‘ of the said University of *Cambridge*, and
 ‘ their Successors. And further, that as well
 ‘ the Chancellor, Masters and Scholars of the
 ‘ said University of *Oxford*, and their Succes-
 ‘ sors, by the Name of Chancellor, Masters
 ‘ and Scholars of the University of *Oxford*, as
 ‘ the Chancellor, Masters and Scholars of the
 ‘ said University of *Cambridge*, and their Suc-
 ‘ cessors, by the Name of Chancellor, Masters
 ‘ and Scholars of the University of *Cam-*
 ‘ *bridge*, may severally implead, and be im-
 ‘ pleaded, and sue, and be sued for all Manner
 ‘ of Causes, Quarrels, Actions real, personal
 ‘ and mixt, of whatsoever Kind, Quality, or
 ‘ Nature they be : And shall and may chal-
 ‘ lenge and demand all Manner of Liberties
 ‘ and Franchises, and also answer and defend
 ‘ themselves, under and by the Name afore-
 ‘ said, in the same Causes, Quarrels and Acti-
 ‘ ons, for every Thing and Things whatsoever,
 ‘ for the Profit and Right of either of the
 ‘ aforesaid Universities to be done before any
 ‘ Manner of Judge, either Spiritual or Tem-
 ‘ poral,

' poral, in any Courts and Places within the
 ' Queen's Highness Dominions whatsoever they
 ' be. And be it further Enacted, by the Au-
 ' thority aforesaid, That the Letters Patents
 ' of the Queen's Highness most Noble Father,
 ' King *Henry* the Eighth, made and granted to
 ' the Chancellor and Scholars of the said Uni-
 ' versity of *Oxford*, bearing date the first Day
 ' of *April*, in the fourteenth Year of his Reign;
 ' and the Letters Patents of the Queen's Ma-
 ' jesty that now is, made and granted unto the
 ' Chancellor, Masters and Scholars of the Uni-
 ' versity of *Cambridge*, bearing date the six and
 ' twentieth Day of *April*, in the third Year of
 ' her Highness most gracious Reign; and also
 ' all other Letters Patents by any of the Proge-
 ' nitors or Predecessors of our said Sovereign
 ' Lady, made to either of the said corporated
 ' Bodies severally, or to any of their Prede-
 ' cessors of either of the said Universities, by
 ' whatsoever Name or Names the said Chan-
 ' cellor, Masters and Scholars of either of the
 ' said Universities, in any of the said Letters
 ' Patents have been heretofore named, shall
 ' from henceforth be good, effectual, and
 ' available in the Law, to all Intents, Construc-
 ' tions and Purposes, to the aforesaid now
 ' Chancellor, Masters and Scholars of either of
 ' the said Universities, and to their Successors
 ' for evermore, after and according to the
 ' Form, Words, Sentences, and true Meanings
 ' of every of the same Letters Patents, as am-
 ' ply, fully and largely, as if the same Letters
 ' Patents were recited *Verbatim* in this present
 ' Act of Parliament; any thing to the contrary
 ' in any wise notwithstanding. And further-
 ' more, be it Enacted by the Authority aforesaid,
 ' That the Chancellor, Masters and Scho-

' lars of either of the said Universities severally, and their Successors for ever, by the
 ' same Name of Chancellor, Masters and Scholars of either of the said Universities of *Oxford*
 ' and *Cambridge*, shall and may severally have,
 ' hold, possess, enjoy and use to them and their
 ' Successors for evermore, all manner of Manors, Lordships, Rectories, Parsonages, Lands,
 ' Tenements, Rents, Services, Annuities, Advowsons of Churches, Possessions, Pensions,
 ' Portions and Hereditaments, and all manner
 ' of Liberties, Franchises, Immunities, Quietances and Privileges, View of Frank-Pledge,
 ' Law-Days, and other things whatsoever they
 ' be; the which either of the said corporated
 ' Bodies of either of the said Universities had,
 ' held, occupied, or enjoyed, or of Right ought
 ' to have had, held, used, occupied and enjoyed,
 ' at any time or times before the making
 ' of this Act of Parliament, according to the
 ' true Meaning as well of the said Letters Patents, made by the Noble Prince King *Henry*
 ' the Eighth, made and granted to the Chancellor and Scholars of the University of *Oxford*,
 ' bearing Date as is aforesaid; as of the Letters Patents of the Queen's Majesty, made
 ' and granted unto the Chancellor, Masters and
 ' Scholars of the University, bearing Date as
 ' aforesaid, and according to the true Intent
 ' and Meaning of all the other foresaid Letters
 ' Patents whatsoever; any Statute or other
 ' thing or things whatsoever heretofore made
 ' or done to the contrary in any wise notwithstanding. And be it further Enacted by the
 ' Authority aforesaid, That all manner of Instruments, Indentures, Obligations, Writings
 ' obligatory, and Recognizances, made or
 ' acknowledged by any Person or Persons, or
 ' Body

Body corporate, to either of the said Universities, by what Name or Names soever the said Chancellor, Masters and Scholars of either of the said Universities have been heretofore called in any of the said Instruments, Indentures, Obligations, Writings obligatory, or Recognizances, shall be from henceforth available, stand and continue of good, perfect, and full Force and Strength to the now Chancellor, Masters and Scholars of either of the said Universities, and to their Successors, to all Intents, Constructions and Purposes, altho' they, or their Predecessors, or any of them, in any of the said Instruments, Indentures, Obligations Writings obligatory, or Recognizances, be named by any Name, contrary or divers to the Name of the now Chancellor, Masters and Scholars of either of the said Universities. And be it also Enacted by the Authority aforesaid, That as well the said Letters Patents of the Queen's Highness said Father King *Henry* the Eighth, bearing Date as is before expressed, made and granted to the said Corporate Body of the said University of *Oxford*, as the Letters Patents of the Queen's Majesty aforesaid granted to the Chancellor, Masters and Scholars of the University of *Cambridge*, bearing Date as aforesaid, and all other Letters Patents by any of the Progenitors or Predecessors of her Highness, and all manner of Liberties, Franchises, Immunities, Quietances and Privileges, Leets, Law-Days, and other things whatsoever therein expressed, given or granted to the said Chancellor, Masters or Scholars of either of the said Universities, or to any of their Predecessors of either of the said Universities, by whatsoever Name the said Chancellor,

cellor, Masters and Scholars of either of the
 said Universities, in any of the said Letters
 Patents be named, be, and by Virtue of this
 present Act, shall be from henceforth ratified,
 established and confirmed unto the said Chan-
 cellor, Masters and Scholars of either of the
 said Universities, and to their Successors for
 ever; any Statute, Law, Usage, Custom,
 Construction, or other thing to the contrary
 in any wise notwithstanding. Saving to all
 and every Person and Persons, Bodies politick
 and corporate, their Heirs and Successors
 of every of them, other than the Queen's
 Majesty, her Heirs and Successors, all such
 Rights, Titles, Interests, Leases, Entries,
 Conditions, Charges and Demands, which
 they and every of them had, might or should
 have had, of, in, or to any of the Manors,
 Lordships, Rectories, Parsonages, Lands, Te-
 nements, Rents, Services, Annuities, Ad-
 vowsons of Churches, Pensions, Portions,
 Hereditaments, and all other things in the
 said Letters Patents, or in any of them men-
 tioned or comprised by reason of any Right,
 Title, Charge, Interest or Condition to them,
 or any of them, or to the Ancestors and Pre-
 decessors of them, or any of them, devolute
 or grown before the several Dates of the same
 Letters Patents, or by reason of any Gift,
 Grant, Demise, or other Act or Acts at any
 time made or done between the said Chan-
 cellor, Masters and Scholars of either of the said
 Universities of *Oxford* and *Cambridge*, or any
 of them, and others, by what Name or
 Names soever the same were made or done,
 in like Manner and Form as they and eve-
 ry of them had or might have had the same
 before the making of this Act; any thing
 therein

therein contained notwithstanding. Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not extend to the Prejudice or Hurt of the Liberties and Privileges of the Right belonging to the Mayors, Bailiffs and Burgeses of the Town of *Cambridge*, and City of *Oxford*; but that they the said Mayors, Bailiffs and Burgeses, and every of them, and their Successors, shall be and continue free in such Sort and Degree, and enjoy such Liberties, Freedoms and Immunities as they or any of them lawfully may or might have done before the making of this present Act; any thing contained in this Act to the contrary notwithstanding.

By an Act of Parliament made in the 21st of Hen. VIII. cap. 13. intituled, *Spiritual Persons abridged from having Pluralities of Livings, &c.* it is provided by the 23^d Section or Clause of the said Act, ' That all Doctors and Batchelors of Divinity, Doctors of Law, and Batchelors of Law Canon, and every of them which shall be admitted to any the said Degrees by any of the Universities of this Realm, and not by Grace only, may purchase Licence, and take and keep two Parsonages or Benefices with Cure of Souls: So that always the said Liberty to purchase Licence, or Dispensation, and take, receive and keep more Benefices than one, be taken and understood after the Manner and Form aforesaid, to extend in Number to no more Benefices with Cure of Souls than one. And by the 28th Section or Clause of this Act, it is provided, ' That this Act of Non-Residence shall not in any wise extend, nor be prejudicial to any Scholar or Scholars being conversant

- ‘sant and abiding for Study, without Fraud or
 ‘Covin, at any University within this Realm,
 ‘or without. And by the 26th Section or
 ‘Clause of this Act, it is Enacted, ‘That in
 ‘Case any Spiritual Person, at any time after
 ‘this Act should take Effect and be in Force,
 ‘did not keep his Residence, as herein expres-
 ‘sed and commanded, but absent himself wil-
 ‘fully by the Space of one Month together,
 ‘or by the Space of two Months, to be ac-
 ‘counted at several times in one Year, and
 ‘make his Residence and Abiding in any other
 ‘Places by such time, that he should forfeit
 ‘for every such Default ten Pounds Sterling,
 ‘the one Moiety to the King, and the other
 ‘Moiety to the Party that will sue for the same
 ‘in any of the King’s-Courts by Original Writ
 ‘of Debt, Bill, Plaint or Information: In
 ‘which Action or Suit the Defendant shall not
 ‘wage his Law, nor have any Effoin or Prote-
 ‘ction allowed.” But since the making of this
 good Act and Statute, divers and many Per-
 sons being beneficed with Cure of Souls, and
 not being apt to Study by reason of their Age
 or otherwise, never intending before the ma-
 king of the said Act, to travail in Study within
 any the said Universities for the Increase of
 Learning, but rather minding and intending
 their own Ease, singular Lucre and Pleasure,
 by the same Provision colourably to defraud
 ● the same good Statute and Ordinance, do daily
 and commonly resort and repair to the said
 Universities of *Oxford* and *Cambridge*, and to
 either of them, where they under the said Pre-
 tence and Colour of Study, do continue and
 abide, living dissolutely, nothing profiting
 themselves by Study at all in Learning, but
 consume the time in Idleness, and in other Pa-
 stimes

Times and insolent Pleasures, giving Occasion and evil Example thereby to other young Men and Students within the said Universities, little or nothing regarding their Cure and Charge of Souls, contrary to the Minds and Intentments of the Makers of the aforesaid good Statute and Ordinance : And also divers and many old Beneficed Men have and do continually remain there, never exercising nor practising their Learning to the Example of Virtue, and Maintenance of the Common-weal, in Discharge of their Conscience, according to their Duty, having nevertheless, and occupying such Rooms and Commodities as were instituted and ordained for the Maintenance of poor Scholars, to the great Hindrance and Detriment of the same.

‘ Be it therefore enacted, by the King our
‘ sovereign Lord, with the Assent of the Lords
‘ Spiritual and Temporal, and the Commons in
‘ this present Parliament assembled, That all
‘ and singular Spiritual Person and Persons, which
‘ now be, or hereafter shall be, to any Benefice
‘ or Benefices promoted as is aforesaid, being above the Age of 40 Years, (the Chancellor,
‘ Vice-Chancellor, Commissary of the said Universities, or any of them, Wardens, Deans,
‘ Provofts, Presidents, Rectors, Masters, Principals, and other Head-Rulers of Colleges,
‘ Halls, and other Houses or Places Corporate within the said Universities, or any of them,
‘ Doctors of the Chair, Readers of Divinity in the common Schools of Divinity in any of the
‘ said Universities, only excepted) shall be resident and abiding at and upon one of their
‘ said Benefices, according to the Intent and true
‘ Meaning of the said former Act, upon such
‘ Pain and Penalties as be contained in the said
‘ former Act, and appointed for such Beneficed
‘ Per-

Persons, for their Non-Residence. And that none of the said Beneficed Persons being above the Age aforesaid, except as before excepted, shall from henceforth be excused of their Non-Residence upon the said Benefices, for that they be Students or Resident within the said Universities, or any of them: any Proviso or any other Clause or Sentence specified or contained in the said former Act of Non-Residence, or any other thing or things to the contrary hereof in any wise notwithstanding.

And over this, be it enacted by the Authority aforesaid, That all and singular such beneficed Persons being under the Age of 40 Years, resident and abiding within the said Universities, or any of them, shall not enjoy the Privilege and Liberty of Non-Residence, contained in the Proviso of the said former Act, made for the Scholars of the said Universities, or any of them, unless he or they be present at the ordinary Lecture and Lectures, as well at home in their Houses, as in the common Schools; and in their proper Persons keep Sophems, Problems, Disputations, and other Exercises of Learning, and be Opponent and Respondent in the same, according to the Ordinances and Statutes of either of the said Universities, where he or they shall be so abiding or resident; any thing contained in the said Proviso or former Act to the contrary notwithstanding.

Provided alway, that this Act, nor any thing therein contained, shall not extend to any Person or Persons, which now is, or hereafter shall be, Readers of any publick or common Lecture in Divinity, Law Civil, Physick, Philosophy, Humanity, or of any of the Liberal

beral Sciences, or publick or common Interpreters or Teachers of the *Hebrew Tongue*, *Chaldee* or *Greek*, in whatsoever College or Place of any of the said Universities, the said Persons for the Time being, shall read the said common or publick Lectures: Nor yet to any Person or Persons after or above the Age of 40 Years, which shall resort to any of the said Universities, to proceed Doctors in Divinity, Law Civil or Physick, for the Time of their said Proceedings, and executing of such Sermons, Disputations or Lectures, which they be bound by the Statutes of the Universities there to do, for the said Degrees so obtain'd.

By a Clause in an Act of Parliament made in the third Year of King *Henry VIII.* Chap. 11. entitl'd, *An Act for the Appointing of Physicians and Surgeons*, it is provided, ' That this Act, nor any thing therein contain'd, be in no wise prejudicial to the Universities of *Oxford* and *Cambridge*, or either of them, or to any Privileges granted to them. The Intent and Purport of this Act is to prevent and restrain ignorant Persons exercising and practising the Science and Cunning of Physick and Surgery, without due Examination, Approbation and Admission, as therein is prescribed and directed. And again, the Privileges of the Universities of *Oxford* and *Cambridge* are saved by a Clause or Proviso in an Act of the 14th of *H. 8.* cap. 2. relating to what Apprentices strange Artificers shall take, &c. for that Act does not extend to the ' Inhabitants, Strangers that now be, or hereafter shall be, in the Universities of *Oxford* and *Cambridge*. And by another Clause or Proviso in an Act of 21 *Hen. 8.* c. 16. touching this or the like Purpose, the Privileges of the Universities of *Oxford* and *Cambridge* are saved.

saved. ' Provided always, That no Artificer,
 ' Alien or Stranger, born out of the King's O-
 ' beisance, being a Housholder, or inhabiting
 ' within any of the Universities of *Oxford* and
 ' *Cambridge*— shall from henceforth have or
 ' retain in their Service Journey-men or Ap-
 ' prentices, being Aliens or Strangers born a-
 ' bove the Number of Ten Persons at one Time,
 ' upon pain of the Penalty contain'd in the said
 ' Act, made in the 14th and 15th Year of our
 ' said Sovereign Lord, the Provision contained
 ' or specified in the same Act notwithstanding.

By an Act of Parliament made in the 2d and
 3d of *Phil.* and *Mary*, cap. 15. It is provided in
 Favour of the Universities, ' That no Purveyor,
 ' Taker, Badger, Loader, or other Minister,
 ' may or shall take or bargain for any Victuals
 ' or Grain, in any of the Markets of *Oxford* or
 ' *Cambridge*, or in any part of the City or Town
 ' of *Oxford* or *Cambridge*, or within five Miles
 ' Compass of either of them, without the Con-
 ' sent, Agreement and good Will of the Owner
 ' or Owners; nor shall they take away, or bar-
 ' gain for, any Commodity, bought or provi-
 ' ded within the said five Miles, by any Mini-
 ' ster of any College or Hall, there to be spent
 ' in such College or Hall, in Pain to forfeit the
 ' quadruple Value thereof, and to suffer three
 ' Months Imprisonment without Bail. And the
 ' Chancellor, Vice-Chancellor, or his Commis-
 ' sary, in either of the said Universities, with
 ' two Justices of the Peace of the County ad-
 ' jacent, have Power to enquire, hear and de-
 ' termine, the said Offences. And the For-
 ' feitures shall be divided betwixt the Univer-
 ' sity, where such Offence is or shall be commit-
 ' ted, and the Prosecutor, and may be recover-
 ' ed in any Court of Record, or before the said
 ' Chan-

Chancellor, Vice-Chancellor, or Commissary, and two Justices of the Peace. But this Act shall not be put in Execution at any Time or Times whensoever the Queen, her Heirs or Successors, shall be present in either of the two said Universities, or within seven Miles Distance therefrom, and shall be suspended during such Time only and no longer. *Note*, by this Act the Liberties of the Mayors, Bayliffs and Commonalties of *Oxford* and *Cambridge*, are saved. See the Act at large.

By a Clause or Proviso in an Act of Parliament made in the 7th Year of King *Edw. VI's* Reign, Chap. 5. it is provided, 'That this Act, or any thing therein contain'd, shall not in any wise be prejudicial or hurtful to any of the Universities of *Oxford* and *Cambridge*, or to the Chancellor or Scholars of the same, or their Successors, or any of them, to impair or take away any of the Liberties, Privileges, Franchises, Jurisdictions, Powers or Authorities, to them or any of them appertaining and belonging; but that they, and every of them, and their Successors, may have, hold, use and enjoy, all their Liberties, Privileges, Franchises, Jurisdictions, Powers and Authorities, in such large and ample wise, as though this Act had never been had or made; so always that there be not any more or greater Number of Taverns kept or maintain'd within any of the said Towns of *Oxford* or *Cambridge* than may be lawfully kept and maintained by the Provision, true Meaning and Intent of this Statute; any thing in this Proviso mention'd to the contrary notwithstanding. And

By a Clause in an Act of 12 Car. 2. c. 25. entitled, *An Act for the better ordering the Selling of Wines by Retail, and for Preventing the Abuses in*

Mingling, Corrupting, and Vitiating of Wines; and for Settling and Limiting the Prices of the same; it is provided always, *That this Act, nor any thing therein contained, shall not in any wise be prejudicial to the Privileges of the two Universities of this Land, or either of them, nor to the Chancellors or Scholars of the same, or their Successors; but that they may use and enjoy such Privileges as heretofore they have lawfully used and enjoy'd, any thing herein to the contrary notwithstanding.* And by a Clause in one other Act of Parliament, made in the 15th of Car. 2. cap. 14. entitled, *An Act for Settling the Profits of the Post-Office, and Power of Granting Wine-Licenses, &c.* it is provided, *That this Act, or any thing therein contain'd, shall not in any wise be prejudicial to the Privileges of the two Universities of this Kingdom, or either of them, or to the Chancellor or Scholars of the same, or their Successors, &c. as in the foregoing Clause of the 12th. And by a Clause in the latter End of this Act it is provided, That all Letters and other things may be sent or conveyed to or from the said two Universities, in manner as heretofore hath been used, any thing herein to the contrary notwithstanding.*

By a Statute made in the first Year of Queen Eliz. Chap. 4. it is thus provided; *That all Grants, Immunities and Liberties, given to the Universities of Cambridge and Oxford, or to any College or Hall in either of the said Universities, and to the Colleges of Eaton and Winchester, and unto every or any of them, by our late Sovereign Lord King Henry VIII. or any other the Queen's Highness Progenitors or Predecessors, or by any Act of Parliament, for or touching the Release or Discharge of*

first

first Fruits and Tenths, or any Part thereof, shall be always, and remain in their full Strength and Virtue; and that all such lawful Conveyances and Assurances in Law, as were had or made before the making of this Act, to either of the said Universities of Oxfoꝛd or Cambridge, or to any College or Hall within any of them, by what Name or Names, soever they, or either of them be incorporated or named, of any Parsonages or Benefices impropriate, or of any Part of the same, or of any Patronages for the Maintenance of Students or Learning, shall be as good and effectual in the Law, to all Intents, Constructions and Purposes, as tho' this Act had never been made.

By a Clause in an Act of Parliament made in the first Year of K. James I. Chap. 22. entitled, *An Act concerning Turners, Curriers, Shoemakers, and other Artificers, occupying the Cutting Leather*; it is provided, That this Act, nor any thing therein contain'd, shall not in any wise be prejudicial or hurtful to the Chancellors, Vice-Chancellors, Proctors, Taxers, and Scholars, their Officers, Ministers, Assigns or Farmers, of the Universities of Oxfoꝛd and Cambridge, or any of them, of, for or concerning, the Authority of Search of Tanned Leather, or any of the Forfeitures of the same, which they lawfully had, or might have had, before the making of this present Act; so as they do in all things observe such Order in, about or for, Searching, Sealing and Registering of Leather, as by this Act is prescribed and appointed, upon the Pain therein contain'd, any thing therein contain'd to the contrary notwithstanding.

By a Clause in an Act of Parliament, made in the third Year of the Reign of K. James the 1st,
 O 2 Chap.

Chap. 5th, entituled, *An Act to prevent and avoid Dangers, which may grow by Popish Recusants*, it is enacted, ' That the Chancellor and Scholars of the University of Oxford, so often as any Benefice with Cure or without Cure, Prebend, or any other Ecclesiastical Living or Free-School, Hospital or Donative whatsoever, in the Nomination, Presentation, or Collation of a Popish Recusant-Convict, during the Time of such Recusancy or Disability, shall be void, shall have the Presentation, Nomination, Collation and Donation of and to every such Benefice, Prebend or Ecclesiastical Living, School, Hospital and Donative, set, lying and being in the Counties of Oxford, Kent, Middlesex, Suffex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wiltshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Carmarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire, the City of London, and in every City and Town being a County of it self, lying and being within any of the Limits or Precincts of any of the Counties afore said, or in or within any of them, as shall happen to be void, during such Time as the Patron thereof shall be and remain a Recusant convict: But the Chancellor, &c. shall not confer such Benefice upon a Man already beneficed; and if they do, such Presentation, Nomination, &c. shall be utterly void. And,

By a Clause in an Act of Parliament, made in the first Year of K. William and Q. Mary, Sess. 1. Chap. 26. it is provided, ' That Persons refusing or neglecting to repeat and subscribe the Declaration mention'd in one of this present Parliaments, entituled, *An Act for the better*

better securing the Government by disarming Papists and reputed Papists, when tender'd by two or more Justices of the Peace, or forbearing to appear before them upon Notice, as the said Act directs, and shall thereupon have their Names and Places of Abode certified and recorded at the General Quarter-Sessions, as by the said Act is appointed, shall be disabled to make any Presentation, Collation, Nomination or Donation, or any Grant of any Avoidance of any Benefice or Ecclesiastical Living, as if such Person were a Popish Recusant convict: And the Chancellors and Scholars of the two Universities respectively, shall have the Presentation, Nomination, &c. of and to every such Benefice, &c. being within their respective Counties, and other the Places and Limits mentioned in the Act of the 3^d of K. James I. Ch. 5th; provided, that the said Chancellor and Scholars shall not present or nominate any Person, that shall then have any Benefice with Cure of Souls; but that such Presentation shall be void.

By a private Act of Parliament made in the 3th Year of Henry the 4th, confirming the 13th of Rich. the 2^d, a Power is given to the Archbishop, to visit the Chancellor, Scholars, &c. of the Universities, which was personal, in order to keep out Heresies and Lollards. This statute was made upon complaint that the Archbishop and Founders were depriv'd of the Power of enquiring into and punishing of Heresies, &c.

By an Act made in the 8th Year of her present Majesty, entituled, *An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such*
 Copies.

Copies, during the Times therein mentioned, among other things it is provided, That if any Book-seller or Booksellers, Printer or Printers, shall after the 15th of March, 1710. set a Price upon, or sell, or expose to Sale any Book or Books, at such a Price or Rate, as shall be conceiv'd by any Person or Persons to be high and unreasonable; It shall and may be lawful for any Person or Persons to make Complaint thereof (within the Universities) to the Vice-Chancellors thereof for the Time being, who shall and have hereby full Power and Authority, from Time to Time, to send for, summon or call before them, such Book-seller or Booksellers, Printer or Printers, and to examine and enquire of the Reason of the Dearness and Inhauncement of the Price or Value of such Book or Books by him or them so sold or exposed to Sale; and if on such Enquiry and Examination, it shall be found, that the Price of such Book or Books is inhaunced, or any ways too high or unreasonable, then, and in such case, the Vice-Chancellor of either University have hereby full Power and Authority to reform and redress the same, and to limit and settle the Price of every such printed Book and Books, from Time to Time, according to the best of their Judgments, and as to them shall seem just and reasonable; and in case of Alteration of the Rate or Price from what was set or demanded by such Book-seller or Booksellers, Printer or Printers, to award and order such Book-seller and Book-sellers, Printer and Printers, to pay all the Costs and Charges, that the Person or Persons so complaining shall be put unto, by reason of such Complaint, and of the causing such Rate or Price to be so limited and settled; all

which

which shall be done by the Vice-Chancellors of the two Universities in *England*, or either of them, by Writing thereof under their Hands and Seals, and thereof publick Notice shall be forthwith given by the said Bookseller or Booksellers, Printer or Printers, by an Advertisement in the *Gazette*; and if any Bookseller or Booksellers, Printer or Printers, after such Settlement made of the said Rate or Price, shall sell or expose to Sale any Book or Books, at a higher or greater Price than what shall have been so limited and settled as aforesaid, then and in every such Case such Bookseller and Booksellers, Printer and Printers, shall forfeit the Summ of Five Pounds for every such Book so by him, her or them sold or exposed to Sale; one Moiety thereof to the Queen's Most Excellent Majesty, her Heirs and Successors, and the other Moiety to any Person or Persons that shall sue for the same, to be recovered with Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in which no Wager of Law, Escoign or Protection, or more than one Imparlance shall be allowed.

Provided always, and it is hereby enacted, that Nine Copies of each Book or Books, upon the best Paper, to be printed and published as aforesaid, or reprinted and published with Additions, shall by the Printer and Printers thereof be delivered to the Warehouse-keeper of the Stationers Company for the Time being, at the Hall of the said Company, before such Publication made, for the Use of the Royal Library, the Libraries of the Universities of *Oxford* and *Cambridge*, the Libraries of the four Universities in *Scotland*, *Sion-Col-*

' lege Library in London, and the Library be-
 ' longing to the Faculty of Advocates at *Edin-*
 ' *burgh* respectively ; which Warehouse-keeper
 ' is hereby required, within ten Days after De-
 ' mand by the keepers of the respective Libraries,
 ' or any Person or Persons by them or any of them
 ' authorized to demand the said Copy, to deli-
 ' ver the same for the Use of the said Libraries ;
 ' and if any Proprietor, Bookseller or Printer,
 ' or the said Warehouse-keeper, shall not ob-
 ' serve the Directions of this Act, he shall for-
 ' feit, besides the Value of the said printed Co-
 ' pies, the Sum of five Pounds for every Copy
 ' not so delivered, as also the Value of the said
 ' printed Copy not so delivered ; the same to
 ' be recovered by the Chancellor, Masters and
 ' Scholars of any of the said Universities, &c.
 ' Nothing in this Act shall extend, either to
 ' prejudice or confirm any Right that the said
 ' Universities, or any Person or Persons, have
 ' or claim to have, to the Printing or Reprint-
 ' ing any Book or Copy already printed, or
 ' hereafter to be printed.

' All Actions, Suits, Bills, Informations, &c.
 ' for any Offence against this Act, shall be
 ' commenced within three Months next after
 ' such Offence committed, or else the same
 ' shall be void : And after the Expiration of
 ' fourteen Years, the sole Right of Printing or
 ' Disposing of Copies shall return to the Au-
 ' thors thereof, if they are then living, for a
 ' nother Term of fourteen Years.

A Composition made between the University and Town of Oxford.

THIS Indenture, made the 22^d Day of February, in the 37th Year of the Reign of King Henry the Sixth, between Mr. Thomas Chaudler, Doctor of Divinity and Chancellor of Oxford, and the Scholars of the University, on the one Party, and Rob. Atwood, Mayor of the Town of Oxford, and the Burgesses and Commoners of the same Town on the other Party, witnesseth: Whereas divers Dissensions, Controversies and Debates, have been lately had and moved between the said Chancellor and Scholars and their Predecessors on the one Party, and the said Mayor, Burgesses and Commonalty and their Predecessors on the other Party, especially of and in three Points following. *First*, for the Demeaning and Deliverance of all manner of Scholars of the said University, their Servants and all other Persons having the Privilege of the said University, being arrested and imprisoned in the said Town, under the Keeping of the Mayor and Burgesses thereof, or any of them, for any Felony or Treason, in the common Prison of the said Town, claimed by a Privilege granted to the said University by King Henry the 4th. The *second*, for the Privilege, that the said Chancellor, Scholars, their Servants and others having the Privilege of the said University, claim to have in every Parle or Action commenced or taken by them or against them, or any of them, in the King's Court, holden in the Guild-Hall of the said Town, before the Mayor, Bailiffs, or any of them. The *third* for the Correction and Punishment

infringement of any Assault or Affray, or Weapon drawn against the King's Peace within the said University, by any Person of the said Town, or any other not being of the said University, nor having the Privilege thereof, that by the Commandment, Assent and Agreement of the Most Christian Prince our said Sovereign, the said Parties be agreed and accorded of and upon the Promises in the Manner and Form that followeth. First, as to the Point and Article before last rehearsed, it is accorded and agreed, that the said Mayor, Bailiffs and Burgeſſes, and Commonalty of the said Town, shall suffer from henceforward, as far as they can or may, the Chancellor, Scholars, and all other under the Privilege of the said University, peaceably to enjoy and use the Privileges, of which above is made mention; so that the said Mayor, Bailiffs and Burgeſſes, for such Deliverance by them to be made, have a sufficient and lawful Discharge for the said Prisoner, if the same Prisoner be claimed by the said Chancellor or his Steward for the Time being, within four Weeks after his Taking and Imprisonment in the Common Prison; so that the said Chancellor, his Steward, and other of them, do their true Part and effectual Diligence without Fraud, that the said Prisoner be deliver'd, acquit or attain'd of such Treason or Felony, for the which he was arrested and so imprisoned, within 12 Weeks next after the Deliverance of the said Prisoner to the said Chancellor or his Steward so made: Provided always, that the Goods and Chatties of any such Prisoner, so arrested, be arrested and put in sure and safe Guard, by the Chancellor and the Mayor for the Time being, unto the Time that the said Prisoner, so arrested, be acquit or attain'd of the said Felony or Treason,

or of any other before the said Steward at that Time detained; to that intent, that at such Time that any such Prisoner be attaint, that then the said Goods and Chattles be delivered unto the said Mayor or Bailiffs for the Time being, as a Thing pertaining to the Fee-Farm of the said City. *And also to the second Point and Article of Traverse between the said Parties, it is accorded by the said Parties, that from hence forward these and none other enjoy the Privileges of the University; that is to say, the Chancellor, Doctors, Masters, and other Graduates; all Students and Scholars, and all Clerks dwelling within the Precincts of the University, of what Condition, Degree or Order soever they be; every daily continual Servant to any of them before rehearsed belonging; the said Steward of the University, and feed Men of the same University, with their Menial Servants; also all Headles with their daily Servants and their Households; all Stationers, Bookbinders, Linners, Writers, Pargemeners, Barbers, the Bell-ringer of the University, with all their Households; all Catours, Manciples, Spencers, Cooks, Lavenders, poor Children of Scholars within the Precincts of the said University; also all other Servants taking Cloathing or Hire by the Year, Half Year, or Quarter of the Year, taking at the least for the Year six Shillings and eight Pence, for the Half Year three Shillings and four Pence, and the Quarter twenty Pence, of any Doctor, Master, Graduate, Scholar or Clerk, without Fraud or Mal-Engine; also all Common Carriers; Bringers of Scholars to the University, or their Money, Letters, or any especial Message to any Scholar or Clerk, or Fetcher of any Scholar or Clerk from the University, for the Time of such Fetching, or*
Bring-

Bringing, or Abiding in the University for that Intent. Provided always, that if any Clerk or Scholar having a Wife and Household within the Precincts of the University, or any Scholars Servant, sell any open Merchandize, by way of Merchandizing, that as touching such Merchandizing, they be *Tailable* with the Burgeſſes of the ſaid Town. Alſo it is accorded, that if any Scholars Servant by Livery or Hire under form aboveſaid, not dwelling in the Houſhold with the ſame Scholar, be arreſted by the Mayor, Bailiffs, or any other Officers of theirs, if any Inhibition be ſent from the Chancellor or his Commiſſary to the Mayor or Bailiffs for the ſaid Perſon ſo arreſted, that the Officer of the ſaid University, that executeth the ſaid Inhibition, with an Officer of the ſaid Mayor or Bailiffs, bring without Delay the ſaid Perſon ſo arreſted to the ſaid Chancellor or his Commiſſary, and there by ſtreight Examination, after the Diſcretion of the ſaid Chancellor, or by his Commiſſary, by an Oath to be proved, whether he ought to enjoy the Privilege of the University or not; and if it be proved, that he be not of the ſaid Privilege, that then he be committed by the ſaid Officers to the Mayor or Bailiffs, ſo for him to inhibit. And as to the *third* Point and Article of Controverſy between the Parties, it is accorded and agreed, that if the Peace be broken between two Perſons, of which two one is of the Privilege of the University, that the Correction and Punishment thereof only pertain to the Chancellor, according to the Statute of the University: And if the Peace happen to be broken between any two Laymen of the Town of *Oxford*, or of the Suburbs of the ſame, or elſe between any Foreigners or Foreigner, and a Layman of the Town; that then if the Mayor;

Ch. 5. of the University of OXFORD.

Mayor, Aldermen, Bailiffs, or any of their Officers, first arrest such Breakers of the Peace, that the Correction and Punishment of the said Trespass pertain wholly to the said Mayor, Aldermen, &c. And if such Breakers of the Peace be first arrested by the Chancellor, Proctors, or any of their Officers, that the Correction and Punishment of such Trespass pertain only to the Chancellor, according to the Statute of the University. Provided always, that if neither Party be of the Privilege of the said University, ne no such Person as is before rehearsed and shewed have the Privilege of the said University, that then the Suit or Party grieved or wronged be sued and determined before the Mayor and Bailiffs of the said Town. In witness of all which Things, as well the Seal of the Office of the said Chancellor, as the Seal of the University aforesaid, to the one Party of this present Indenture to the said Mayor and Commonalty have been set; and to the other Party of the same Indenture, as well the Seal of the Office of the Mayoralty, as the Seal of the Commonalty of the said Town of *Oxford*, remaining toward the said Chancellor and University, been put. Yeoven the Day and Year aforesaid.

C H A P. V.

An Extract of several Royal Grants and Charters given to the University of Oxford, with the Sense and Opinions of the Lawyers thereupon.

FOR the Maintenance and better Conservation of the Peace, it is first granted, That the Chancellor of the University of Oxford for the Time being, and his Commissary and Deputy, shall be Conservators and Justices of the Peace

in

*in and upon
the Court of
Brook.*

*Edw. 1. ad
Parliament
post Pasch.
Anno 18. Art.
3. Fol. 15. a.
14. H. 8. Art.
2 & 3.*

in the Town of *Oxford*, and in the Counties of *Oxon.* and *Berks*, as well as the four Hundreds adjoining to the Town of *Oxford*, in respect of all Scholars, privileged Persons and others, who shall break the Peace, or attempt the same, against the Laws of the Realm and the Statutes of the University: And that these Persons, and each of them, have Power and Authority over the aforementioned Persons, within the said Places; which any Justice of Peace in the aforesaid Counties of *Oxon.* and *Berks*, or any other County of *England*, have over other Subjects in all Causes concerning the Peace (Mayhem and Felony only excepted): And that in all Causes, which do any wise concern the Peace of the Realm, or the University, wherein a Scholar or a privileged Person is one of the Parties, it is lawful for the Chancellor of the University, and (in his Absence) for his Commissary, to bind the Party convicted, or both the Parties, the one to the other, by Bond and Obligation, for the Surety and Preservation of the Peace, or otherwise, as it has been reasonably accustomed Time out of Mind, &c. And lastly, that the Chancellor shall have Cognizance, how the Bailiffs of the Town behave themselves in their Office, otherwise to do in respect of the University; and if the Bailiffs shall find themselves aggrieved thereby, they may repair to the King's Court for Redress, and receive Justice there: And this King *Edward* 1st granted to the University *pro voluntate sua*.

*4th Parlia-
ment. 1st Edw.
1st. 1264.*

2^{dly}, That the Chancellor, Vice-Chancellor, or Proctors, shall have a Power to search by Day or by Night for suspicious Persons, and for such as can give no good Account of themselves, and to punish such as are faulty by Imprisonment, Banishment, or otherwise: And whensoever it shall be adjudged needful to make Inquisition for

For the Conservation of the Peace of the Realm
 & the University, it shall be the Duty of the
 Mayor and Officers of the City, upon a Mandate
 to them directed by the Chancellor of the
 University, to be assistant in the Search after
 such Offenders or Malefactors, as it is the Duty
 of every Townsman herein to appear before
 the said Chancellor, or his Commissary or De-
 puty, upon due Summons, at what time soever
 required and commanded; whereas in all other
 Causes the Freeman of the Town or City must
 have an Day's Warning (at least) given them
 for their Appearance.

34th, That the said Chancellor, or his Com-
 missary or Deputy, for the more perfect Con-
 servation of the Peace aforesaid, and for other
 reasonable Causes him or them moving there-
 unto, may commit Transgressors of the Peace
 to Ward and safe Custody, whether Scholars,
 Citizens or Strangers, if out of their Houses or
 Lodgings after Nine of the Clock at Night
 time, or before Four of the Clock in the Morn-
 ing, upon *adversal Occasions*, &c. And may im-
 pose a Fine of 40s. on them, and shall not be
 sued or impeached thereof by any Court of Law
 out of the University, by any Writ or Process
 of false Imprisonment, or otherwise.

4thly, That the said Chancellor, or his Com-
 missary or Deputy, may take away all Manner
 of Weapons, Offensive and Defensive, and cause
 them to be forfeited, if any Scholar or Towns-
 man shall wear them contrary to the Statutes of
 the University.

5thly, That no Justice of the Peace, neither
 the Mayor nor the Bailiffs of the City of Oxford,
 do presume to intermeddle in any Causes what-
 soever, for Transgression of the Peace, within
 the Precincts and Limits of the University, if a
 Scho-

10 Edw. 3.
 48 Edw. 3.
 fol. 87. a

29 Edw. 3.
 fol. 77. a

2 H. 4. fol.
 117. b.
 14 H. 8. 27

Scholar be one of the Parties offending; but that the Chancellor shall have the Hearing and Determination thereof according to the Laws, Statutes and Customs of the University.

The Towns-
mens Com-
position.
Feb. 23. 37
H. 6.

6thly, That by a Composition made between the University and the City of Oxford, in the 24th of February, in the 37th Year of the Reign of King Henry the 6th, it is among other things provided, that if the Officer of the University first arrests the Transgressors and Breakers of the Peace within the Town and Suburbs of Oxford, the neither of the Parties transgressing be of the Privilege; yet the Correction and Punishment thereof shall appertain and belong to the Chancellor of the University. See the Composition it self at large elsewhere recited.

20 H. 4. fol.
116. a.
14 R. 2. fol.
108. a.
28 Edw. 3.
fol. 69. b.
28 H. 3. fol.
2. b.
41 Edw. 3.
fol. 85. a.
4 H. 8. Art.
45.

For the Composition of Causes both Civil and Criminal, and the Holding of Pleas thereof, &c. it is granted and provided; First, That all manner of Causes, Actions, Quarrels and Suits whatsoever, for any Matter done or begun within the Precincts of the University of Oxford (Felony, Mayhem and Freehold only excepted) ought to be heard and determin'd by the Chancellor of the said University, if a Scholar or privileged Person be one of the Parties in suit: But by a subsequent Charter of King Henry the 8th, this Grant is extended to all Causes, Actions, Quarrels, Suits, &c. any where arising within the Kingdom of England, if the said Chancellor will claim or challenge such Cause or privileged Person.

2dly, That the said Chancellor may proceed in the Examination of the aforesaid Causes (except as before excepted) determining the same after the manner and Course of the Common Laws of this Realm, or according to the Laws and Customs of the University (that is to say)

accord-

according to the Course and Method of the Civil Laws in all Civil Causes; and according to the Stile of the Canon Laws, in all Causes Ecclesiastical, at the Will and Pleasure of the Chancellor.

3dly, That the said Chancellor may also proceed in all and singular the aforesaid Causes, of Office as well as at the Suit and Instance of the Party litigant, herein making due Inquisition by Scholars, Townsmen, and others: And that no *Justiciary*, or any other Officer of *Common Law* do presume to intermeddle in any Matter or Cause determinable before the Chancellor of the University; and in case any do so intermeddle, they ought, at the Notification of the said Chancellor, forthwith to supersede all further Proceedings therein, and to make Allowance of such Claim or Challenge of Privilege, committing the Matter entirely to the said Chancellor, there to be determin'd and ended according to Right in that Behalf.

4thly, That all and singular Amerciaments, Issues and Profits whatsoever arising and coming out of the Suits in this Behalf, are granted to the Use and Benefit of the whole University, together with the Amerciaments of Forestalling, Regrating, &c. The five Pounds therefore to be paid being remitted to the University, by a Charter of *Hen. IV. May the 13th, Anno Regni Secundo*.

5thly, That the said Chancellor may, in all Causes, determinable before him, punish obstinate Persons and Transgressors, whether they be of the University, or of the City; and also extraneous Persons Litigant or Criminal within the Precincts of the University; and that by Imprisonment or Banishment from the University, the Town and Suburbs thereof: And that

the Sheriff of the County of *Oxford*, and the Keeper of the Castle Prison in *Oxford*, shall be obliged to receive, keep and deliver all the said Chancellor's Prisoners committed and sent thither by his Order and Command; and thus, in the like manner, are the Mayor and Bailiffs of the City of *Oxford* bound to receive, keep and deliver the said Chancellor's Prisoners so committed, as aforesaid: And moreover, that the said Sheriff and Keeper of the Castle Prison aforesaid, do not permit and suffer any Multitude of Persons to visit, or have any Conversation with the said Prisoners; and the like of the Mayor and Bailiffs.

- 14 H. 8. Art. 6thly, That if it shall at any time hereafter
 22, 23, 25, 26, happen, that any privileged Person be indicted,
 E. 29. 7 H. 4. arraigned, or appealed before any Judge or
 fol. 119. b. Officer at Law, by any Townsman, or other
 E. 120. a. Person whatsoever, dwelling or having any
 E. b. Estate or Possessions within the City of *Oxford*,
 or in any of the Four Hundreds thereunto next
 adjacent, for Treason, Insurrection, Felony,
 or Mayhem, committed in any of the Counties
 of *Oxford*, or *Berks*; and afterwards, by reason
 of such Indictment, Arraignment or Appeal,
 be arrested or imprison'd, then, if the Chan-
 cellor of the University will claim or challenge
 such Transgressor, the Parties who have him
 in Custody, shall send him forthwith to the
 Chancellor's Steward, upon Pain of 200*l*, the
 one Moiety of which to be forfeited to the
 King, and the other Moiety to the University:
 So that a Steward named by the Chancellor ob-
 taining the King's Commission under the great
 Seal, shall by Virtue of the same sit and ad-
 minister Justice upon the Transgressor accord-
 ing to the King's Laws. And also, that when
 the said Steward, thus limited and authoriz'd,
 sends

sends for the Indictment, Arraignment, or Appeal, with the Process, and other Things belonging to the same, the Keepers thereof shall then forthwith transmit and send the whole Process, &c. to the said Steward, upon the like Penalty, as aforesaid: And moreover, that this Steward thus authoriz'd, may and shall make a Process under his Seal to the Sheriffs of Oxford and Berks, in order to have impanel'd 18 lawful Men, dwelling nigh unto the Place where the Offence is suppos'd to have been committed, to appear before the said Steward in the Guild-Hall of the City of Oxford, at a Day certain to him assign'd and prefix'd; which Sheriffs shall duly return the Precepts, upon the Pain of 40 Pounds, to be forfeited as aforesaid. The Steward also shall make other Precepts to the Beadles of the University in the like manner to return 18 other lawful Lay-men of the Privilege of the University, and then the one Half of the Jury to be taken of the one Pannel; and the other Half of the other Pannel, and so further to proceed according to Law and Justice.

For the Market, and the Ordering of Victu- 29 E. 3. fol.
als, &c. 75. a.

First, It is granted and provided, That the Chancellor only shall have the Custody of the Assize of Bread, Wine and Beer; and the Correction of the same, with all Fines, Amerciaments, and other Profits arising and coming thereof within the Town and Suburbs of Oxford.

2dly, The said Chancellor only hath the Custody of the Assize of Weights and Measures within the Town and Suburbs of Oxford; so that he may, as often as need requires, amend and mark them, destroying them which shall

be adjudged unlawful, according to the Standard in the *Exchequer*, kept and observed in other Places of the Realm, and punishing the Transgressors thereof: The Amerciaments and Forfeitures hereupon to be deliver'd to the Mayor and Bailiffs of the City, by Extra~~ct~~ made by the Chancellor; but in the *Hundred*, next without the *North-Gate*, the Profits and Emoluments thereof do belong to the University by an Agreement made by *Rich. Damory*.

29 E. 3. fol.
75. 2 H. 4.
fol. 117.

3dly, The said Chancellor only hath Power and Authority to enquire of Forestalling, and Regrating of Flesh and Fish putrify'd, vicious, and otherwise incompetent, within the Town and Suburbs of *Oxford*, and duly thereof to inflict Punishment; the Amerciaments and Profits thereof appertaining to the University: And as the University has the sole Clerkship of the Market granted and committed to it, with a free Power to dispose of the Stalls and standing Places in the Markets, and therein to take Tolls, Stallage, Piccage, &c. So are the Mayor, Bailiffs, and Aldermen not to meddle therein, but to obey and assist the Chancellor in all things relating thereunto: 'The City indeed did pretend to take Toll formerly; but upon Complaints made against it in Parliament, 14 *Edw.* 2. and 28 *H.* 6. they were obliged to desist: And in the Year 1429. the City did in Convocation openly disown both Toll and Stallage, and a publick Instrument was thereupon made and recorded. For the Clerkship of the Market, the University was obliged, in 29 *Edw.* 3. to pay five Pounds yearly to the King; but this Payment was remitted by *Henry* the 4th. *vide supra*.

38 H. 3. fol.
5. a.

4thly, That no Regrator or Huckster do buy any Victuals in the Town, or coming towards the

the Town of *Oxford*; neither shall they buy any thing, nor sell it again, before Nine of the Clock in the Morning, upon Pain of Amerciaments, and losing the Thing which he so buyeth or selleth: And also, that every Merchant, or other Occupier, may bring Merchandize, and every kind of Victuals into *Oxford*, and there freely sell it in Gross, or by Retail at his Pleasure; any Liberty, Usage, or other Thing to the contrary notwithstanding.

For the Taxation of Houses. It is granted and provided, That all Houses, which Scholars dwell in, or hereafter shall dwell in within the Town and Suburbs of *Oxford*, may be taxed before the Chancellor of the University, from five Years to five Years, by two of the University, and two of the Town, sworn to examine and present the Taxation indifferent between the Parties. 4 H. 3. fol. 5.
18 E. 1. ad
Parliament.

For the Taxation of privileged Persons. It is granted and provided, That all privileged Persons at Payments to the King, shall be faithfully taxed and assessed after and according to the Quantity of their Goods by the said Chancellor, and not by the Mayor and Townsmen; and the Chancellor's Ministers ought to gather the Taxes. 29 E. 3. fol.
m. b. R. 2.
fol. 100. a.
H. 4. fol. 115.
a. H. 5. fol.
132. b. E. 4.
fol. 158. b.
H. 8. fol. 186.
a & b.

For keeping clean the Streets, &c. It is granted and provided, That the Chancellor of the University may compel both Scholars and Townsmen to pave the Streets, and keep them clean, removing Blocks, Stones, Fyme, Kine, Swine, &c. The Amerciaments arising from hence do belong to the Bailiffs of the City, if they levy them within the Space of three Days after the *Eftreat* be deliver'd to them from the Chancellor; otherwise the Amerciaments shall appertain to the University. 1 E. 4. fol.
158. b. E. 3.
fol. 75. b. R. 2.
fol. 100. a.
H. 4. fol. 115.
a. H. 5. fol.
132. b. H. 6.
fol. 144. a.
Edw. 4. fol.
163. b.

The Antient and Present State Part III.

fol. *For the Selling of Cloaths by Parcels.* It is granted and provided, That Linen or Woollen Cloaths brought to Oxford to be sold, either in Gros or by Parcels, may be so vended there, at the Liberty of the Sellers, without Action or Impediment of the Townsmen, or any of them.

ad *For Merchandizing.* It is granted and provided, That all privileged Persons of the University of Oxford may occupy and sell Merchandize by the way of Merchandizing, if they become tailliable with the Townsmen. See the Orders of Council. It is granted and provided, That all the following Persons shall enjoy the Privilege of the University, viz. all Scholars of the University, the Steward of the University, and the Feed-Men of the same; all Doctors, all Masters, and other Graduates; all Students and Scholars, all Clerks dwelling within the Precincts of the University, of what Condition, Order, or Degree soever they be, every daily continual Servant to any of them before-rehearsed, Beadles with their daily Servants and their Household; all Stationers, all Bookbinders, Lymners, Writers, Pargementors, Barbers, the Bell-Ringer of the University, with all Household Servants; all Caters, Manciples, Speñfers, Cooks, Launderers, poor Children of Scholars taking Livery, or Clerks within the Precincts of the University; also all other Servants of Scholars taking Livery, or after the rate of Six Shillings and Eight Pence by the Year, without Fraud or Mal-Engine; All common Carriers, Bringers, or Fetchers of Scholars, or being Messengers unto them, for the Time of such Bringing, Fetching, or Message doing, or Abiding within the University for that Intent: All these Persons be of the Ju-

jurisdiction of the University therein duly and strictly to be punished, if therein they do transgress. And by the Charter of K. Hen. 8. All Register'd and Matriculated in the University-Register, shall be deem'd privileged Persons; and to these are added all the Common Servants of the University, and their Households.

For holding of Courts and Leets, and for Prices of Corn, Grain, &c. It is granted, provided and acknowledg'd, That the University hath always ever since the Reign of King Edw. III. held a Court-Leet, or View of Frank-Pledge, twice yearly in the Guild-Hall in Oxford, as well over the Town, and all the Inhabitants thereof, as over the University; and the Bailiffs of Oxford have ever a Jury of Eighteen Men of the City or Town before the Chancellor of the University, to enquire, as was to them enjoyn'd, *ex parte Domini Regis*: In which Courts Inquisition was made of Forefallers and Regraters of the Market. *Item*, Of the Price of Corn and Grain: Of the Assize of Bread and Beer, how it was kept and observ'd: Of keeping clean the Streets, and paving the same: Of Weights and Measures: Of Fish and Flesh putrify'd, vicious and otherwise incompetent: Of corrupt Livers and Breakers of the Peace, with the like Matters: And that this other shall be a full, absolute and compleat Leet; and that the University shall have the Perquisites thereof, and a full Power to distrain for them.

For want of due using the Privileges of the University, it is granted and provided, that in Case the Chancellor and Scholars, or their Predecessors, have not fully used their Grants and Liberties, they nevertheless and their Successors, shall have full Power to exercise and enjoy the same in as ample a manner as they might otherwise

See the Orders of Council printed, 14 H. 8. fol. 184. b.

8 Edw. 2. fol. 32. a. & 81. a. 30 Edw. 3. fol. 8. 1 Hen. 4. fol. 115. a. Ed. 3. fol. 45. a. Edw. 3. 61. a. R. 2. fol. 93. a. 137. a. H. 5. 138. b.

The Antient and Present State Part III.

- *b.* wise lawfully have done ; and shall in no wise be prejudic'd in their Right by any *Disuser*.

ad *For Customs.* The Townsmen have faithfully promised to observe and to see observed all free Customs, which the Chancellor and Scholars of the University have lawfully used and enjoyed Time out of Mind, &c.

il. 2. The Chancellor of the University shall have
2. Power to hear and determine all Civil Causes,
14. and Temporal Actions, any Prohibition made to the contrary notwithstanding, wherein a Scholar or a privileged Person is one of the Parties in suit ; unless it be in Causes touching *Freehold*.

fol. *For the Correction of corrupt Livers.* It is granted and provided, That the said Chancellor shall
7 H. & have full Power to banish all incontinent and vicious Women ; if they offend within the Town, or the Precincts of the University : So that such Persons shall not dwell within ten Miles of the University ; and in case any do so after their Banishment, the Ruler of that Habitation, when the Chancellor shall signify their Banishment to him, shall imprison such banish'd Woman or Women, and afterwards expel her or them from thence.

Art. *For Felons Goods.* It is granted and provided, that the University shall have Power to search for and seize all such Goods, and enjoy the same to their own Behoof and Profit : Pursuant to which the Delegates of Convocation, *June 3. 1588.* decreed, touching the Goods of one *Harris*, a *Felo de se*, that his Widow should pay 5 Marks out of the Goods lately her Husbands, but then belonging to the University, for that he had killed himself ; and the Residue of them by the Discretion and at the Will of the said Delegates given for the Maintenance of the Widow and her Children.

For

For the Precincts and Limits of the University; ^{2 Hen. 4.}

It is granted and provided, That the same shall extend on the East Part to the Hospital of St. Bartholomew; on the West Part to Boteley; on the North Part to Godstow-bridge; and on the South Part to Bagley-Wood; and so in Circuit.

For Spiritual Jurisdiction: It is granted and provided, That Scholars and privileged Persons shall be exempted from all Archbishops, Legates, Bishops, and other extraordinary Judges, for Contracts enter'd, or like as enter'd, for Excesses, Crimes, Faults, &c. within the Precincts of the University committed; and for all Scholastical Acts subjected to the Jurisdiction of the Chancellor only; to whom is granted herein all Power Ecclesiastical and Spiritual, to proceed after the Statutes, Privileges, and Customs of the University. All Sentences and Processes by any other Judge had or made, to be void, and of none effect; always saved the Statutes and Liberties of Colleges, namely, such Ordinances of the University by which the Proctors and Congregation have Interest in the Chancellor's Jurisdiction. See the Senior Proctor's Book, fol. 4. Boniface. See the Appendix, p. xiii.

Item, The Chancellor of the University may ^{Sixtus IV.} assoil from Perjury *simpliciter vel ad cautelam*, and from all Penalties depending thereon, if it be humbly desir'd; and restore the Transgressors to their former Condition: And in Case any Judge shall make any Attempt in Derogation hereof, the same Attempts shall be frustrate and void.

Item, The said Chancellor or his Deputy ^{28 Edw. 3.} have Power granted to them to use the Censures of the Church in all urgent Causes.

Item, It is granted by the Archbishop of ^{See the Senior Proctor's Book.} Canterbury, and ten other Bishops, that if any Person shall fly the University, contemning the ^{John Peckham Archbishop of Cant.} Excom- of Cant.

Excommunication of the University, or the Chancellor; and repair unto any of their Diocesses, they will corroborate and confirm what was done herein in the University, and demand or commit the same to Execution, if they be required.

Item, Bishops grant, that if any Person shall repair into any of their Dioceses, who carry Weapons to break the Peace in the University, or otherwise troubling the Tranquillity of the same, being convicted thereof, or by the presumptive Knowledge of it by his Flight, if the Bishop be certified thereof under the Seal of the University; they promise, if the Transgressor be a beneficed Man, to sequester the Fruits and Profits of his Living for three Years, for due Satisfaction of the Hurt and Damage sustain'd by the University; and in case the Transgressor be not promoted, to render him unable to take Promotion for five Years at the least, until Amends be made for the Injury and Damage done.

See the said
Book, p. 71.
Oliver Sutton,
Bp of Lincoln.

Item, The Bishop of *Lincoln* doth accept and approve the Premises under his Seal, as the other Bishops had done before him.

Item, The Chancellor of the University hath Power and Authority to prove the Testaments of all privileged Persons, and also to grant Letters of Administration of all Scholars and privileged Persons Goods, dying intestate.

3 *Edw. 3.*
Circa Trans.
Tho. Martyr.
H. 7.

For the Liberties without the North-gate. It is granted and provided, That the University shall have as ample Liberties in the Hundred or Suburbs next without the North-gate as they have within the Town of *Oxford*, granted by the King on the Agreement of one *Rich. Damory*.

31 *Edw. 3.*

For the Scholar's Obit, &c. It is granted and provided, That the Mayor, Bailiffs and Aldermen,

men, and other Townsmen, to the Number of 62, are bound to keep an *Obit*, with Deacon and Sub-Deacon, in St. *Mary's* Church, on St. *Scholastica's* Day, every Year perpetually; offering there every Man one Penny, in the whole 6 s. 8 d. to be dispos'd of to poor Scholars in Alms; for Surety whereof the Town is bound to the University in an Obligation of 100 Marks of Annuity, under their Common Seal; which Ordinance and Obligation is exemplified and ratified by K. *Edw.* III. But this, on the Account of Religion is since alter'd. The Mayor, Aldermen, and 58 Burgesses of the Town of *Oxford*, are obliged every Year in St. *Mary's* Church to take an Oath for the Conservation of the Liberties and Privileges of the University. And thus are the Sheriff, Under-Sheriff, and his Ministers, every Year, upon the Receipt of the Sheriff's Commission, obliged to take an Oath for the Conservation of the Liberties and Privileges of the University of *Oxford*, in the Presence of some of the University, thereunto by the Chancellor appointed.

It is also granted and provided, That Scholars, their Servants, and the Servants of the University shall not be forced to appear at Musters, or to contribute thereunto; and that they shall be discharged of Subsidies, Reliefs, Impositions and Contributions. This Grant is not originally owing to the Charter of King *Charles I.* but derived from Custom, acknowledged and settled in Parliament, 18 *Edw.* I. and ever since allowed upon solemn Hearings, under Queen *Elizabeth* and K. *James I.* and is such a reasonable Privilege, that all foreign Universities enjoy the same.

It is also granted and provided, That the University of *Oxford* may have two Coroners, to fit.

fit and take Inquisition on the Bodies of privileged Persons. By the Charters of *H. 4.* and *H. 8.* the University had Power to hear and try all Felonies and Murders, committed either by their own Members or against them; and therefore, in pursuance of former Rights, and for the better Enquiry into those Offences, that were afterwards to be finally tried by them, it was granted, that the Coroner should be appointed by them and their Authority. The Coroner's Power was indeed before lodg'd in the Chancellor and Steward; and *Charles I.* did not so properly create a new Office, as divide the different Powers of a former Officer. This Privilege does in no wise incroach on the Right of the City, who have a Power to appoint a Coroner for themselves, and were forbidden by former Charters to assign one for the University.

29 *E. 3.* fol. 8.b. *E. 2.* fol.31. a. *E. 3.*

fol. 44. a.

E. 3. fol. 60.a. *R. 2.* fol.92. a. *H. 4.*fol. 115. *H. 5.*

fol. 124. b.

Edw. 4. fol.

150. b.

All Clerks and Scholars whosoever, within the University of *Oxford*, are so exempted from Appearance, That they shall not be compelled to be of Juries or Assizes; and if they be thus impanell'd or summon'd, upon a Certificate or Notice given by the Chancellor of their being of the University, their Writ of Privilege shall be allowed unto them without the Formality of Pleading.

32 *H. 3.* 18*Ed. 1.* ad *Parl.**Art. 4.* lib.*chart.* fol. 16.

a.

The Mayor, Aldermen, and fifty-eight other Burgesses of the Town or City of *Oxford*, are to be sworn every Year in *St. Mary's Church*, for the Conservation of the Liberties and Privileges of the University, in Manner and Form following. Ye shall swear, That all Liberties and free Customs, which the Chancellor and Scholars of this University have by the Grants of our Sovereign Lady the Queen, and her Progenitors (*mutatis mutandis*), and all other

which are just; neither do we pretend, that the Mayor, or any Citizen is bound to swear, or if he swears, is bound to maintain all or any Privileges barely claim'd by the University as *just*, unless they be so in themselves, and have been lawfully used by the University; and therefore we do not claim, that the Mayor and Citizens ought to swear to maintain any other than the lawful Privileges of the University: And that it is acknowledged by the Townsmen, that the Mayor is bound by Oath (and known by common Practice, that every Freeman is in the like manner bound) to maintain all the Liberties of the City; and that many of them do stand in opposition with divers of those claimed by the University, it must follow, that all such pretended Liberties of the City as do clash with those of the University, which the Mayor and Citizens are requir'd by Oath to maintain, must be in themselves unlawful: But the Citizens of latter Times to overthrow the just and antient Rights of the University, have, by new Inventions, framed Oaths contrary to our Privileges, and then have complain'd of our Privileges, for being contrary to their Oaths.

29 Edw. 3.

The Sheriff of *Oxford*, at the Receipt of his Commission, shall swear for the Conservation of the Liberties and Privileges of the University of *Oxford*; and the Under-Sheriff, and other Ministers to the Sheriff, shall swear in the like Manner at *Oxford*, in the Presence of some of the University therefore by the Chancellor appointed, and the Sheriff shall cause them to take the ensuing Oath, *viz.* 'Ye shall swear that ye will defend to your Power the Masters and Scholars, and their Servants, of the University of *Oxford*, from all Injuries and Oppressions; and the Peace of the same University, as far

‘ far as possible, ye will see conserved ; and al-
 ‘ ways when need is, ye will give Counsel and
 ‘ Help to the Chancellor and Scholars, for
 ‘ the punishing Disturbers of the Peace, ac-
 ‘ cording to the Privileges and Statutes of the
 ‘ University ; and to your Power defend the
 ‘ Privileges, Customs and Liberties of the said
 ‘ University.

The University of *Oxford* having the un-
 doubted *Assize* and *Assay* of *Bread* and *Beer* (and
 the Oath for observing the same being a necessa-
 ry Consequence thereof) the Right and Custom
 of admitting and licensing common Brewers and
 Bakers in *Oxford*, is not only an ancient Right
 in the University, but for the Fitness thereof
 has also been received and confirm’d by Act of
 Parliament ; Neither is this Right without Ex-
 amples of the like Nature in the Book-Cases,
 where Time has indulg’d the same Custom to
 Persons of Quality in other Places. And this
 particular Right has not many Years since been
 declared by the free and voluntary Acknow-
 ledgement of the Brewers themselves to be in
 the University. As to the Fees for such Licen-
 ses or Admissions, they have been anciently
 paid to several Officers of the University, for
 their Pains about this Business, and are in them-
 selves but moderate, far short of such Fees as
 are requir’d by the City and their Members in
 other like Cases ; but the University claims no
 Fee to their Body for any such Grant or License.
 And ’tis not improper for the University to have
 this Right, which (in all Probability) would be
 worse practis’d, and with greater Prejudice to
 the publick, if exercised by the City ; whose
 chief Magistrates are for the most part Men of
 the same Trades, and who, by several Acts of
 Parliament, are prohibited from intermeddling
 with

with the Affixing and Correction of Victuals, or the Default therein.

The University, by ancient Custom confirm'd by Act of Parliament, have used to make *By-Laws* for the better Ordering and Government of the University, and the Scholars therein; which *By-Laws* bind not only Scholars but Trades-men also, in relation to the Government of Scholars, and not otherwise. And this Power is adjudg'd in divers Book-Cases to be binding unto Strangers in the like Cases, tho' they never actually consented thereunto by themselves, or by any immediate Representatives to the making of any such *By-Law*. And the Townsmen themselves, in other Cases, do both claim and exercise a like Power over the Estates and Persons of several Inhabitants in *Oxford*, not of their Corporation, nor any wise privy nor consenting to their Orders, either by themselves or their Representatives. As to the Case concerning *Taylor*s, the University has made no *By-Laws* concerning them, but in relation to the Government of Scholars; and if it should be in the Power of *Taylor*s to inveigle young Scholars into new and chargeable Fashions in Apparel, contrary to their Parents Desire, the Direction of their Tutors, and the publick Discipline and Order of the University, meerly to enhance their own Prices in making, and the Mercers Gains in Selling such dear but unnecessary Trimmings as this Instance relates unto, it may prove a great Evil and Inconvenience to Scholars and their Parents.

Privileged Persons have so ancient a Right to the Exercise of any Trade, that their Prescription to it commences before the oldest Charter to the City, and is saved. This Right is allowed in Parliament, 18 *Edw. 1.* and declared

clared by exprefs Words in the Charter of 14 Hen. 8. ratified by Statute under Queen Elizabeth, and only more largely explain'd by 11 Car. 1. Limits have fince been put to this Privilege, which the University have never transgressed; nor have ever, as the Town uses to do, pleaded their ancient Rights in Bar of the subsequent Restrictions of it.

The University did sometime heretofore use the Censure of Excommunication against their own Members in Temporal Matters at the Instance of the Party, but have not so done for almost these 40 Years, that Course being now in Effect abolish'd by Act of Parliament, as repugnant and contrary to the Laws of the Realm in Civil Causes.

The Chancellor of the University, or his Commissary ought to set the Price on Candles. See *Land's Chancellorship*, Page 183. where there is this Case, viz. The *Chaundlers* (two of that Company being Aldermen of the City) took upon them to sell Candles at a Price above that which was set by the Vice-Chancellor; and they being called to an Account for so doing, wilfully refus'd to comply with the Vice-Chancellor's Order; whereupon he resolv'd to make the said two Aldermen an Example unto the rest; first, on a Summons to demand their Mulct due for their Offence; which they refus'd to pay; whereupon they were cited into the Chancellor's Court with an Intimation given them, that if they appear'd not, he would call a Convocation and discommon them; but at length, after some Contempt, upon better Advice, they appear'd and made their Submission.

Oct. 4. 1639.

Upon an Occasion of Difference between *Litchfield* and *Turner*, about their Printing, the Charters of the University were examined, to

14 H. 8.

See what Power the University had in Relation to Printing, and how many Printers were allowed them; But upon Search no Grant at all was found, so that Custom is the best Warrant for that Privilege, the great Charter of King Henry VIII. making no mention thereof: But the University of Cambridge, which had the like Charter, found that Defect in it, and upon Application to the King, obtain'd a particular Charter for Printing, which is very large, and of great Honour and Benefit to that University. In the 11th Year of King Charles I. a Charter was granted to the University for Printing, at the Instance and Request of Archbishop Laud, as above-remember'd, Page 477.

The University of Oxford, both at the Time and long before the making of the Statute of the 7th of Edm. VI. Chap. 5. had the Privilege of Licensing and Suppressing of Taverns in Oxford, and this Privilege is expressly saved to the University by a Proviso in that Statute; by Virtue whereof we justify inhibiting the City to erect Taverns, or license the Sale of Wine by Retail in Oxford, neither the Letter, nor the Equity of this Statute enabling the City so to do: And further, that in respect of this Power, which the University claims and exercises over Vintners, Brewers, Bakers, and other Victuallers, and in the Market, and for those small Perquisites received from thence, the Citizens are yearly abated, and the University was yearly heretofore charged with a great part of their *Fee-Farm* Rents, whereas the University does not receive any considerable Benefit this Way proportionable to what the City has, or claims to have, as belonging to *Fee-Farm* other ways. This Statute is a Law *pro bono publico*, Taverns being looked on as disorderly Houses, and therefore

restrained to a License and Approbation of Places and Persons, their Multitude and Loosness occasioning the Act.

Dew being sued, prayed his Privilege, because at the Time of the Suit commenced, he was a Commoner in *Exeter-College* in *Oxford*; and brought Letters under the Seal of the Chancellor of the University of *Oxford*, certifying their Privilege; and he certified, that *Dew* was a Commoner of *Exeter-College*; at the time of the Suit commenced against him, as appeared by the Certificate of Dr. *Prideaux*, Rector of the said College; whereas he ought to have certified, that he was upon his own Knowledge a Commoner of the said College, and not upon the Certificate of another; and afterwards a Certificate was made of his own Knowledge, and then it was allowed to be good, and the Privilege was also allowed. *Godbolds Rep.* p. 404.

Prat being Plaintiff exhibited a Bill in the Court of Chancery, against the Defendant *Taylor*, to have an Account of several Sums of Money, which the Defendant, a Fellow of *Exeter-College* in *Oxford*, and a Tutor to the Plaintiff's Son, received towards the necessary Occasions of his Son. The Chancellor of *Oxford*, by an Instrument in Writing, set forth the Privilege of the University granted by Charters and confirm'd by Act of Parliament: And the Defendant was a Scholar and Resident in the University, and that they had a Court of Equity, and thereupon prayed, that *Taylor* might be dismissed. But the Lord Keeper did not allow the Claim; for that Cognizance of Pleas in Equity could not be granted, tho' Precedents were shewn of the same Claim allow'd in Queen *Elizabeth's* Time. He asked, whether any could be shewn in my Lord *Ellesmere's* or my Lord *Cventry's*

ventry's Time ; but none could be shewn ; and thereupon he disallow'd the Claim, and said, that it must be put in by way of Plea : But withal declared, that it should not be on Oath, but it should be sufficient to aver the Defendant to be a Scholar resident within the University, &c. without an Oath. *Cases in Chanc.* Part I. p. 237.

In the Case of Sir *Tha. Draper* against Doctor *Crowthor*, who pleaded, that he was Head of St. *Mary Hall* in *Oxford*, and set forth the Charter of the 14th of *Rich. II.* and the 14th of *H. VIII.* empowering the University to enquire and proceed in all Pleas and Quarrels in Law and Equity, except concerning Freehold, where a Scholar, their Servants and Ministers, are one of the Parties, &c. so that the Justiciaries of the King's Bench, or of the Common Pleas, or Justices at Assizes, do not intromit themselves, &c. and the Confirmation of all these Charters by an Act of Parliament of the 13th of *Eliz.* and he concluded his Plea to the Jurisdiction of the Court of Chancery : But Dr. *Crowthor* was over-ruled, because the Charter ought properly to be extended to Matters at *Common Law* only, or to Proceedings in Equity that arise in such Cases, and not to meer Matters of Equity, which are originally such, as to execute Agreements in *specie*. Again, Cognizance of Pleas is never to be allow'd, unless the inferior Jurisdiction can give Remedy : Here in the Chancellor's Court of the University of *Oxford*, they can only excommunicate or imprison, but cannot proceed to a Sequestration of Lands in *Middlesex*. If the Matter lies only in Damages, Cognizance of Pleas may be allow'd to the University, because its Jurisdiction is given all over *England* ; but this is not to be intended, where the Suit is for the Thing it self, and when it is out of their Reach,

Reach, as in the present Case : And thus Cognizance of Pleas is never to be allow'd, unless the inferior Jurisdiction can give Remedy.

In the Case of one *Cripps* and *Webb*, on Action of Trespass, *Quare Clausum fregit & Domum suam intravit in Sanctâ Mariâ in Oxford*, Cognizance of Plea was denied to the University upon a Demand thereof, because the Freehold might come in Question ; and so it was said by the Court it should be, for the Reason in an *Ejectione firme*.

A Townsman of *Oxford* was chosen into an Office in the Corporation, and refusing to hold it, he incurr'd a Penalty according to the Usage of this Place, for which an Action of Debt was brought ; And it was moved for the Defendant *Wildgoose*, that he might be allowed the Privilege of the University ; and a Charter was shewn whereby it was granted to the University, that their Members, Servants, &c. belonging to the University, should be sued in the Court before the Vice-Chancellor, and not elsewhere ; and a Certificate was produced from the Chancellor of *Oxford* directed to the Chief Justice & *Sociis suis Justiciariis de Banco*, that the Party was matriculated and registred in the University, and a Servant to Dr. *Irish*. And after hearing Counsel, and it appearing to the Court that he was registred in the University but two Days before he was chosen into the Office, and was a Painter that had dwelt long in the Town, and had been for many Years of the Corporation, and no Servant to Dr. *Irish*, but had a Dwelling-House, and kept Shop, and he procur'd himself to be admitted into the University, as an Artificer, to hinder the Remedy, which the Town had against him, for not holding his Office ; the Privilege was denied by the

whole Court. *Kent. Rep.* Part II. page 106.

In the Case of one *Gorton* against *Regdon*, the Chancellor of the University of *Oxford* demanded Cognizance of the Action, it being an Action of Debt between the Beadles of the University, by special Warrant to Attorneys, and brought into Court by Rule, which being put into a Form of Plea, the Court granted, *Nisi. Keob. Rep. Vol. 1. pag. 1317.*

No Prohibition shall be awarded to the Chancellor's Court of the University of *Oxford*, to stay Proceedings there, for holding Plea, when the Cause of Action arises of the Jurisdiction of that Court, tho' some call it an Inferior Court; no, not even after the Defendant has pleaded to its Jurisdiction, and his Plea is disallowed; for that Court has Cognizance of all Pleas, *Felony, Murther and Freehold* excepted. *Fitzherbert's Nat. Breve.*

Hil. Term.
1712.

Charles Aldrich, Student of *Christ Church College in Oxon* and Executor of the last Will and Testament of *Edw. Henry Aldrich* the late Dean, prefer'd a Bill in the Court of Chancery against *Dr. William Sturgesford*, Canon of *Christ Church*, to discover upon Oath certain Matters contained in the said Bill; the Chancellor of the University claimed the Cognizance of the Matter, as appertaining to the Jurisdiction of the University: Whereupon a Question arose touching the same, *viz.* Whether the University Court was a Court of Equity? Which after many solemn Debates and Learned Arguments on both Sides, on several Days Hearing, was determin'd by the Lord Chancellor's Deputee in favour of the University, and the Plaintiff's Bill was dismissed: for altho' a Court of Equity cannot be erected by Royal Charter, yet it may be well established by Prescription and Act of Parliament

Term. Pasch.
1713.

in confirmation of such Prescription, which is the Case of this University; and thereupon was the said *Charles Aldrich* remanded to the said Chancellor's Court to be punished for his Demerits in violating the Privileges of the University, by the Court of Chancery's dissolving the Injunction, peremptorily issued to the Chancellor's Court.

In the Year 1709, the Canonry of Dr. *Bentley Woodroff*, then Canon of *Christ Church* aforesaid, was sequestered by a Decree of the University Court, for his Contumacy in not appearing to an Action of Debt brought in this Court by *Edward Foulke* and *Robert Hyde*, Plaintiffs; and upon the Service of a Monition, or Order of this Court on the Treasurer of *Christ Church*, and a Warrant to arrest the said Treasurer for his Contempt of this Order, an Injunction was decreed by Chancery, on a Bill of Interpleader, to the said Chancellor's Decree: Whereupon a Claim of Privilege was made by the Chancellor; but without any Warrant of Attorney, which ought to have been filed; yet on good Advice, the Treasurer submitted, &c.

Ejection firme. On a Lease of a Messuage in Oxon. the Defendant being Principal of *Glorcester-Hall*, pretended, that he being a Scholar in Oxford, and a privileged Person, ought to be sued before the Vice-Chancellor there *secundum morem Universitatis*, i. e. according to the Course of Proceedings there, and according to the Charters granted to the University, and confirm'd by Parliament. Wherefore he pray'd, that there might be a Stay of the Proceedings in this Court, and shewed the Charters of the University, by which they had Cognizance of all Suits, Contracts, Covenants, and Quarrels (except concerning Freehold) and this being

being a personal Action, they ought to have Cognizance thereof: And *Damport* for the University shewed an antient Precedent of this Court in the 22 *Edw. I.* where a Plea of Covenant was brought in the Court of the Vice-Chancellor of the University of *Oxford*, by reason of a Contract, made before that Time, wherein it was granted unto them to have cognizance of all Actions personal and Contracts; and this Covenant in question was, that he should enjoy such a House in *Oxford* for a Year; and because this Court of the *Common Pleas* had granted a Prohibition to stay the Proceedings in the said Suit, being began in the *Court Christian* before the Vice-Chancellor: The Record mentioned, that upon the shewing of this Charter, it appearing the Action was brought only upon the Contract, and *pro Domibus*, therefore a Consultation was granted: And so it was prayed here, because this Action was but personal, that they might have cognizance thereof; but all the Court deny'd it, and affirmed, that the Vice-Chancellor had not any Jurisdiction, nor might he hold Plea thereof; for in this Action he shall recover Possession, and shall have an *Habere facias possessionem*, and thereby he that hath a Freehold may be put out of possession: and it is not like to the Record shewn; for there it is only an Action of Covenant, wherein the Plaintiff shall recover Damages, and therefore a Reason to grant a *Procedendo* there; but here he shall recover Possession, and therefore by their own Rules they ought not to hold cognizance, nor to have a Liberty to proceed in this Case. *Note*, that by this antient Record it appears, what are the Privileges of the University, and the Jurisdiction of this Court, to grant a Prohibition, where they proceed in

Court

Court Christian, in prejudice of the Common Crok. Rep.
Law, without resorting to the Chancery. Hal-Part 3. p. 62.
ley's Case.

Tho. Wilcocks, Master of Arts of *St. Mary-Trin-Term*
Hall in Oxford, was sued in the Chancellor's 5 Car. 1.
Court by *Anne*, Wife of *Ralph Bradwell*, and Crok. Rep.
Christian her Daughter, for calling the Wife p. 73. Lit.
Bawd and *Old Bawd*, and the Daughter *Whore*, Rep. p. 9, 10,
and *Scurvy pocky-fac'd Whore*. And they ob- 11, 12, &c.
tain'd two Sentences against *Wilcocks*, and upon
them he procur'd two Prohibitions: and *Dav-*
enport moved for a *Procedendo*, for that by their
Charter, which was confirmed by Parliament,
the Chancellor or his Deputy shall have cogni-
zance of all Causes personal, wherein one of the
Parties is a Scholar; and the Charter was shewn
in Court, which was to this purpose, *viz.* That
they should hold Pleas, &c. either *secundum*
morem Universitatis, or *secundum legem terre*;
and the Custom was to proceed according to
the Method of the Civil Law. And it was re-
solved, first, That this Charter deprives the
Subject of his Liberty and Privilege of Trial:
In a *Corpus cum causa* to the Chancellor of Ox- 9 H. 6. 44.
ford, it was certify'd, that the Prisoner *pro ex-*
tensione detentus fuit & convictus; and an Ex-
ception was taken, because that he should have
been indicted and convicted; and it was answer'd,
that it was *Mos Universitatis*. And by *Hutton*
it was said, that Custom was intended to be by
Prescription, and so the Charter being confirm-
ed by Act of Parliament, it was as good.
2dly, That there is a good Cause of Action in
the Chancellor's Court; for *Wilcocks*, who is
one of the Parties, is a Scholar, and the Char-
ter was given only for the Ease of Scholars, that
their Studies might not be interrupted by Suits
in other Courts; but then he ought to be a
Scho-

Scholar resident in the University at the Time of the Suit commenced there; and he ought to be only one of the Parties, and for that if another be joined with him, he shall not have the Privilege and Benefit of the Charter, as it is 34 H. 4. 21. and by *Richardson* Chief Justice, that is not a Privilege, which may be waived; for every Person may *renunciare jura introducta pro se*: But that it was an Exempt Jurisdiction, and differs where the Privilege goes to the Person, as if a Clerk in this Court will sue in another Court, or suffer himself to be sued, that is a Waiver of the Privilege. 3dly, That a *Procedendo* shall not be granted, because the Charter is not pleaded, for the Judges give Judgment of the Record, and the Cause of their Judgment ought to appear by pleading of the Record: And in the Case of a Prohibition, it is not like the Case of the 35 H. 6. 24. where it is allowed one time by Charter shewn, and another time without Demand, or shewing Charter: But Justice *Delawton* to the contrary, that it might be remanded upon pleading of the Charter; and he said, that there was a Difference, where the Suggestion was upon Matter of Fact, as Prescription, &c. for where an Issue may be taken, there it ought to be pleaded in Writing. Upon the whole, Cognizance was allowed to the University, and a *Procedendo* awarded.

Upon the Answer of the *Civilians* of *Doctors-Commons*, who were most of them herein consulted, a Convocation was held on the 10th of April, 1594. and a Decree made and published by the Delegates to the following Effect, viz. That soasmuch as in the Yearly Election of Proctors it has been often question'd, who those are, whom the Statute made in this behalf declares *abijisse cum Pannis*, by which means

means great Contentions have arose, among the University Members: Therefore for the future preventing of the same; it was interpreted, declared and ordained, That such Persons should be adjudged to have left the University *cum Pannis*, who have not been resident within the same for the Space of six Months immediately preceding such Election, retaining no Chamber, or Part of a Chamber, with their Books and other Scholastick Utensils, at their proper Costs and Charges, and not paying University Dues, publick and private: Provided nevertheless, that if any one shall, after the said Time of six Months, come to the University, *studendi causa*, then before he be admitted to give a Vote in such Election, he takes an Oath before the Vice-Chancellor and Proctors, that he comes *bona fide* to the University for the sake of Study, with an Intent of keeping four Months Residence therein (at least) after such Election, else he shall be utterly excluded the Number of Suffragants: But this shall in no wise extend to Fellows and Chaplains of Colleges; nor to those who maintain a Family within the Precincts of the University. And by this reasonable Interpretation the University is at present governed in most Cases, relating to valid Suffrages, in Convocation and Congregation: This Interpretation was made in pursuance of a Law or Statute enacted in the Year 1413. on a Dispute about the Choice of a Proctor, occasioned by Masters giving Votes, who had left the University, or (at least) had not been therein resident for the greater Part of the Year: Whereupon, it was decreed and ordained, That no one should hereafter give any Vote in the Election of a Proctor, if he had before left the

Univer-

University, unless he took an Oath to be resident in the University for the greater part of the Year following, and observed all the aforesaid Conditions of Voting : And this Explanation I have thought fit to insert here, because it was omitted in its more proper Place.

Upon a Bill in *Equity* as *Debtor* and *Accountant* against a Person, who has the Privilege of the University of *Oxford*, the *Defendant* pleaded his Privilege, and a Copy of their Charter of Exemption was shewn, which exempts them from the Justices of the *one Bench* and the other, and from the Chancery ; but not a Word of the Exchequer : Wherefore the Court was of an Opinion, that the Defendant ought to answer over, *Nisi &c.* and it sufficed for the Plaintiff to call himself *Debtor* and *Accountant*, without more.

Afterwards, in *Michaelmas* Term, the Lord Chief Baron delivered the Opinion of the Court, That the Defendant ought not to be allowed the Privilege of the University : He said, Sir *Rich. Moor*, one of the Masters of Chancery, was sued here by a Bill as *Debtor* and *Accountant*, and was not allowed his Privilege : He cited likewise the Earl of *Darby's* Case against a Register in Chancery, in which Case the Register was deny'd the Privilege of the Court, and that the general Privilege of a Person, as a Member of the University, or a Clerk in Chancery, does not toll the particular Privilege of this Court : Also that an Accountant has a more particular Interest in his Privilege than a Debtor, altho' his Debt may be taken in Execution for the King, and the King may have Execution upon a Judgment obtain'd at the Suit of his Debtor ; because by the 1 *Rich. 3. chap. 13.* an Accountant is not suable elsewhere ; and here the

Privi-

Privilege of Exemption granted to the University has not these Words, *Licet tangeat nos*. Vide *Cre. Rep.* p. 73. Wherefore the Defendant's Privilege was disallowed. *Hardres Rep.* p. 188. in *Scaccario* 13 Car. 2. *Wilkins vers. Shalcroft*.

If the original Cause, upon which any Process is founded in the Chancellor's Court of the University of Oxford, be a Matter whereof that Court has no Jurisdiction or Cognizance, a Rescous in such a Cause cannot be a Contempt. Adjudged in the Case of *Twicross* against *Ottiver*; *Hil. Termino* 21 Jac. 1.

If a Man be excommunicated before the Chancellor of the University of Oxford, &c. and the Chancellor doth certify this Excommunication into the Chancery, &c. upon the same Certificate the King shall direct a *significavit* unto the Sheriff, to apprehend the Party, and the Writ shall be such: *Quum Nos de gratia nostra speciali concesserimus, quod Cancellarius Universitatis Oxon. qui pro tempore fuerit, per Literas suas Patentes Cancellario nostro Anglia pro tempore existenti significare possit & certificare de Nominibus singulorum de jurisdictione prefati Cancellarii Oxon. qui majoris Excommunicationis vinculo fuerint innodati, & quod dicto Cancellario nostro Brevia nostra fieri & sub magno Sigillo nostro consignari fac. pro captione eorum qui sic per dictum Cancellarium Oxon. fuerunt excommunicati, & per quadraginta dies perseveraverunt in ead. ad significationem sive certificationem ipsius Cancellarii Oxon. supradicti, prout in Literis nostris Patentibus inde confectis plenius inde continetur; ac Joh. E. Cancellario Universitatis predicta, &c. per Literas suas, &c. quod W. de B. &c. sua jurisdictionis propter suam, &c. as in the Writ.* And it seems that the University of Cambridge has the like Privilege. *Fitz. de Nat. Brev. 64.*

In a *Michaelmas-Term*, the 8th of *Henry the Fourth*, *Reg. 72. statum Regis*; when the Chancellor of the University of *Oxford* proceeded according to the Rule of the *Civil Law* in a Cause of Debt, the Judgment was afterwards reversed in the *King's-Bench*, wherein the principal Error assign'd was, because they proceeded according to the Course and Method of the *Civil Law*, *ubi quilibet Ligens Domini Regis Regni sui; Anglie in quibuscunq; placitis & querelis infra hoc Regnum Anglia, factis & emergentibus de jure tractari debet per communem legem Anglia*; and altho' *King Henry the Eighth*, in the 14th Year of his Reign, granted to the University a liberal Charter, enabling them to proceed according to the Use and Custom of the University, *viz.* by a Course very much conformable to the *Civil Law*; yet that Charter (in my Lord Chief Justice *Hale's* Opinion) had not been sufficient to have warranted such Proceedings without the Help of an Act of Parliament: And therefore, in the 13th Year of *Queen Elizabeth's* Reign, an Act passed, whereby that Charter was in effect Enacted; and 'tis thereby that at this Day they have a kind of *Civil Law* Procedure, even in Matters which are of themselves of *Common Law* Cognizance, where either of the Parties to the Suit are privileged. See the *History and Analysis of the Common Law*, p. 34.

Term. Pasc.
32 *Car. 2.*
Ban. Com.

A Prohibition was prayed to the Chancellor's Court of the University of *Oxford* in the Behalf of *Dodwell*, who, being a Townsman of *Oxford*, was libelled against in the said Court upon a Statute, or a By-Law of the University, made in *King James the First's* time, That whatsoever Person privileged, or not privileged, should be taken walking in the Streets at Nine of the Clock at Night, or after, having no reasonable

Excuse

Excuse to be allow'd by the Proctors, &c. should forfeit 40 Shillings, &c. whereof one Moiety was to the University, and the other to the Proctor, &c. that should take him: And that *Dodmell* was taken walking abroad at that Hour, and being demanded a Reason thereof, he refused to give any Account, & in *Causa Contemptus & ad morum Reformationem*, this Libel was exhibited. The Prohibition was mov'd for the last Term; but in regard the Court observ'd, That it touch'd the Jurisdiction on the one Hand, and concern'd the Rights and Liberties of the Townsmen on the other Hand, they deferred the granting of it until they should hear Council on both Sides, which was appointed this Term. And now sundry ancient Charters were shewn, by which there was granted to the University a Jurisdiction, *tam in Laicos quam in alios*, and a By-Law made above 200 Years since against *Night-walking*, with the Penalty of 40 Shillings upon the Offender, and Precedents of Proceeding thereupon in the Chancellor's Court; and that they were as well Guardians of the Peace by Prescription, as by Charter. And an Act of Parliament of the 13th of *Elizabeth* was shewn, whereby their Jurisdiction and Privileges and Statutes were confirm'd: And altho' the Mayor hath also a Commission of the Peace, yet it is subordinate, and he swears *Fealty* to the Chancellor.

Curia. This Libel is grounded on a By-Law of the 7th of King *James*, and being subsequent to that Statute of the 13th of *Elizabeth*, it is questionable whether warranted by it or no. This *By-Law* and *Proceeding* cannot be grounded nor derive Authority from their being Guardians of the Peace by Prescription, as it seems they are by 9 H. 6. fol. 44. for without Act of Par-

Parliament, or exprefs Prescription, a Corporation cannot make a By-Law to bind those which are not of the Body. *Justices* of the *Peace* cannot ordain a *Penalty* for a Crime without their Jurisdiction, and the Proceeding in the Chancellor's Court, which is according to the Civil Law, cannot be warranted by the King's Charter. For no Court, other than such as proceed according to Law, can be, unless by Prescription, or Act of Parliament; wherefore in regard, if the University should intitle themselves to this Jurisdiction by Prescription, it were properly triable by a Jury: And if upon the Act of the 13th of *Elizabeth*, a Matter of Law might arise how far the Act might extend.

North Chief Justice, *Atkins* and *Scroggs* thought it was not fit they should determine those Questions upon a Motion; but inclin'd to grant the Prohibition, and propounded to the Parties to agree that the Libel should be amended where it was grounded upon the By-Law made 7 *Jac.* which being subsequent to the Act of the 13th of *Elizabeth*, the Merits of the Cause would not be brought before themselves to determine the grand Points, which was agreed to. And then the Court said, That they would grant a Prohibition, and let the other *Plead*, &c. For *North* said, That they did often deny a Prohibition, tho' it were a Writ *ex debito Justitia*, where they law no Colour for it: But if any material Questions were like to arise, it was proper to grant it, and not to determine them upon Motion, but upon Pleading to the Prohibition, and therein it differ'd from a *Habeas Corpus*, which was to be instantly granted, because the Party is in Prison; but there is no such speed requisite in a Prohibition.

But

But *Wyndham* was against the Prohibition in the Case at Bar; for he took it, that the By-Law (7 *Jac.*) was but in Confirmation of that made before, and as a Renewing of it, which he took to be confirm'd by the Act of 13 *Eliz.* *Nota*, *Scroggs* said, That *Nine* of the *Clock* could not be held such an Hour, as it should be a Crime for a Townsman to walk at, no more than Three in the Afternoon; tho' for Scholars it might be reasonable to restrain them; but no reason that Townsmen should be subject to such Rules as were proper for Scholars: And upon this he much grounded his Opinion for a *Prohibition*.

The Arch-Bishop of *Canterbury* claiming a Right, *jure Metropolitico*, of visiting the Universities of *Oxford* and *Cambridge*, and they insisting that this Power of Visitation was in the King alone, as their King and Founder; the Cause came to be heard *June 21.* before the King and Council: The Arch-Bishop, standing at the King's Right-Hand, said, He having claim'd by Letters to visit them as within his Province, they answer'd, That they should wrong themselves, if they submitted thereunto, without a Command from his Majesty; whereupon he desired his Majesty to hear the Cause. The Earl of *Holland*, Chancellor of the University of *Cambridge*, standing at the King's Left-Hand, said, That he hoped, that the University of *Cambridge* should not lose their Privilege of being visited by his Majesty only, and by those in Commission under him, as being exempt from the Jurisdiction of all Arch-Bishops and Bishops. The King's Attorney-General, arguing for the Arch-Bishop, said, That the Arch-Bishop's visiting the Universities, as within his Province, intrench'd not on his Majesty's Pre-rogative,

rogative, who notwithstanding might visit by Commission, as Supream Ordinary. The Arch-Bishop of *Common Right* may visit the Clergy and People in all Causes Ecclesiastical, and in all Places within his Province. By the Statute of the 21 *Henry 8.* it appears, that he may visit Colleges; and by another Statute, that he may reform and punish in all Places Exempt or not Exempt. By a Statute of Queen *Elizabeth*, the Arch-Bishop is to take care and see, that the Doctrine of the Church of *England* be maintain'd and observed. In the Times of *Edward the 3d*, *Richard the 2d*, and *Edward the 4th*, he visited the Universities in his *Metropolitical Right*, and not by any Bull obtained from the Pope; and there is as great a Necessity now as ever, for there may be Chappels in *Cambridge*, which were never consecrated: And in the Ecclesiastical Laws of King *Henry the 8th* and King *Edward the 6th*, there appears, that there should be no Exemption of Colleges. Sir *John Lamb* seconded Mr. Attorney, and said, that the Arch-Bishop's Visitation of the Universities being of *Common Right*, as Parts of his Province, the University ought to prove their Exemption; that in Causes in the Universities they had for many Hundred Years appealed to the Arch-Bishop, which he would shew by Records. The King commanding the Universities to shew their Exemption, Mr. *Gardiner*, Recorder of *London*, spake for the University of *Cambridge*, and said, That the Question was, whether his Majesty had the sole Power of Visiting, or the Arch-Bishop a concurrent Power. No (said the King) 'tis whether he has not Power to visit there, as within his Province? The Recorder then thus proceeded: In *England* Arch-Bishops, Bishops and Arch-Deacons visit; the Bishops once in three

three Years, the Arch-Bishop once in his Time. Here the Arch-Bishop interposing, said, That he might visit as often as he pleased: But the Recorder went on, and said, that in the University there are a Chancellor, Vice-Chancellor, Proctors, &c. who may proceed by Excommunication, Banishment and Incarceration, which is more than appertains to a *Metropolitcal* Visitation. Once a Bishop of *Ely* excommunicated one of the Members of the University of *Cambridge*; but the Bishop was excommunicated, and made to submit himself: and farther than this, there is no Precedent that the Bishop did ever intermeddle. In the Petition of the University of, *R. 2* *Cambridge* to the Parliament, this University is stiled an University founded by his Majesty's Progenitors; which intitles the King to the Power of Visitation, and is an Exemption from *Ordinary* Jurisdiction; for other Exemptions they have Bulls from the Pope, and Charters, In *Richard* the 2d's Reign most of the Charters were burnt in an Insurrection there; but in *Henry* the 6th's Time many of them were confirmed upon a Suit to the Pope, and a Commission; whereupon Witnesses were examin'd, and two antient Bulls were then discover'd for exempting them from *Metropolitcal* Visitation; the one transmitted in the Year 624, and the other in the Year 699. The Arch-Bishop reply'd, that these Exemptions were not to be found in any Priories or Nunneries at their first Foundation; but when they got any Money, they sent to *Rome* for an Exemption. The King said upon this Occasion, that the Pope doth as much to bear down Bishops, as any Puritan in *England*. In the close, the Arch-Bishop complained, that there were three Chappels in *Cambridge* never consecrated; but Dr. Chad-

derton told him, that they were consecrated by Faith and a good Conscience : Besides, the Students come into the Chappel without their Surplices, &c. and other Dangers were growing in Religion. The Earl of *Holland* offering, that all this might be reformed by the King's Commission to visit, which the Arch-Bishop might have ; No (said the Arch-Bishop) I desire to visit by my own Power. Upon the Hearing, the King with the Advice of his Privy Council declared, That the Arch-Bishop might *jure Metropolitico* visit his whole Province, within which the Universities are situate ; and that they could not be exempted by any *Papal* Bull, and they were not exempted by *Royal* Charter ; that a long Omission to visit could not bar the *Metropolitcal* Right, whereby (and not by a *Legatine* Power) the Universities had been visited by the Arch-Bishops thrice ; and upon Resistance made by *Oxford*, it was adjudged by King *Richard* the 2^d and *Henry* the 4th for the Arch-Bishops, and these Judgments were afterwards confirmed in Parliament by the 13th of *Henry* the 4th. And the Arch-Bishop produced before his Majesty the original Renunciation under the Hands of the Heads of Houses in *Cambridge*, of all Bulls and other Privileges granted by Popes, dated 27 *Hen.* VIII. And so the King adjudged it for the Arch-Bishop against himself. The Arch-Bishop then moved his Majesty, that he might have this Sentence under the Broad Seal ; and that the two Universities might be exempt from the Visitation and Jurisdiction of the Bishop and Arch-Deacon : And that notwithstanding the Custom of visiting *semel in vita tantum* Metropolitically, he might visit as often as any emergent Cause shou'd move him, if first made known to his Majesty. All which the

the King granted, and declared, that at such a Visitation the Chancellor need not appear in Person, but shou'd be allow'd his Proctor. Serjeant *Thynn* spoke for the University of Oxford, which (he said) was a Foundation long before the Conquest, and never had any Visitation by an Arch-Bishop; so that this University might prescribe to this Exemption: But the King telling him that a bare Prescription would not do it, he reply'd; That tho' they had no Records so antient, yet that they had divers Recitals in King *Edward* the 3^ds Time, which plainly shew, that they had some original Grant of Exemption. Pope *Boniface* the 8th granted to Oxford an Exemption from Archiepiscopal and Episcopal Jurisdiction: It is true, this Matter coming before King *Richard* the 2^d, the King declared, that this Visitation did belong to the Arch-Bishop; but this Sentence was groundd on the King's being misinformed of the Law, and the Arch-Bishop then was a very potent *Arundell*. Man, and this was only an Attempt to visit; but neither he nor any other Arch-Bishop ever visited *Metropolitically*; nor was there ever an Appeal in any Cause from that University to the Arch-Bishop. The Arch-Bishop declared, that he did not intend to meddle with any College Statute, nor with those of the University, nor with the particuler Visitors of any College; but *Metropolitically* to visit the Body of the University, and every Scholar in it, for his Obedience to the Doctrine and Discipline of the Church of *England*. He said, that the Exemptions of Monasteries, &c. were gained of the Pope for Money to bring down the Jurisdiccions of Bishops, and the Council of *Trent* and the *Spanish* Bishops play'd their Part therein: And as for the Popes, &c. they were all gone at one

Blow, by the Statute of *Hen. 8th*. And he said, that he would shew a Bond of 1000*l*. (as well as the Deed of Renunciation before mentioned) from the University of *Cambridge*, not to oppose his Jurisdiction: That *Anno 1506*. *Christ's College* was subject to the Bishop's Visitation as Ordinary: That the Arch-Bishop visited *Cambridge* in his *Metropolitanical* Right for three whole Years together. To which the Recorder reply'd, That that was from the Year 1401 to the Year 1404. in very troublesome Times, but that the like had never been offer'd since. Sir *John Banks*, Attorney-General, argued, that the Bulls, which the University insisted on, were of no Validity; for in the Statute of the 28th of *Henry the 8th*, there is a saving only of some few, which were confirmed under the Great Seal of *England*, and they shew no such here. They object, that the Arch-Bishop has no *Metropolitanical* Visitation, for that the University is of the King's Foundation; whereas the Deanery of *Wells* was dissolved, and founded anew by King *Edward the 6th*; and yet it was adjudged, that the Arch-Bishop may *Metropolitically* visit the said Deanery; and as for Prescription, it lies not against a *Metropolitanical* Visitation. And it being objected that *Peckham* visited the Universities not *Metropolitically*, but as *Legatus natus*; Dr. *Duck* answered, That *Legatus natus* hath only a Power to grant a Visitation, but not to visit *Metropolitically*; and a Difference was taken between the Power of a *Legate born*, and a *Legate à Latere*; for the one may visit, and the other not. And the Arch-Bishop said, that Arch-Bishop *Arundell* was banished for bringing in a *Papal* Bull; it being usual, even in the Times of *Edward the 1st* and *Edward the 3d*, to send forth Proclamations against them who did

fo. He said, that altho' what was done in *Richard* the 2d's Reign, was done in a troublesome Time; yet King *Henry* the 4th pronounced the same Judgment, viz. That the Arch-Bishop had a Right to visit the University, which was confirm'd by Act of Parliament. But the Recorder answer'd, that this Act of Parliament concern'd not *Cambridge*, but *Oxford* only, which had obtained an exorbitant Bull from the Pope to countenance Hereticks and other Malefactors, and had oppos'd the Arch-Bishop *manu forti*; which occasion'd that Submission to the Judgment of *Richard* the 2d, upon which *Henry* the 4th grounded his Judgment afterwards, viz. That the Arch-Bishop of Right should visit; and thus this King disannulled the Bull. Here the Lord Privy Seal interposed, that there were Grants of later Kings, which confirm to the Universities such Privileges as they claim by any Charter or Bull: But the King adjudged it for the Arch-Bishop against *Oxford*, as he had done before against *Cambridge*.

It is allowed, that the Arch-Bishop has Power to visit the two Universities *Metropolitically*, in Matters relating to the Doctrine and Discipline of the Church of *England*, as for *Heresy* and *Schism*, but not for other Crimes; and if he should attempt the same, he might be oppos'd: For altho' the King adjudged this Point in favour of the Arch-Bishop, yet such Judgment was contrary to Law, and grounded on the Advice of evil Counsellors, who surrounded the Princes Throne, and poison'd his Ear with the crude Notions of Arbitrary Power for many Years together: Besides, he was herein much governed by the Respect which he had for Arch-Bishop *Laud*, who grasped at a large

Power, and knew how to make use of it with as much Sway and Command, as any Prelate upon Earth. It is to be observed, that between *Arundell* and *Laud* there had been 13 Arch-Bishops, among whom there was not any besides Cardinal *Pole* (who visited the University by his Legatine Authority) who pretended to revive their Title to a *Metropolitcal* Visitation, or a *Legatine* Jurisdiction: And it is easy to imagine for what Reasons this Arch-Bishop attempted this new Piece of spiritual Lordship over the Universities, being a great Lover of all kind of Power.

The ensuing Orders were publish'd by the Queen under the Great Seal of *England*, on the 4th of *July*, in the Year 1574. and afterwards being transmitted, were publish'd at *Oxford* on the 19th Day of *May*, in the Year 1575.

Reg. K. fol.
192, Es 197.

E *Lizabetha Dei gratia Anglia, Francie & Hibernie Regina, fidei Defensor, &c. Omnibus ad quos presentes littere pervenerint, Salutem. Inspeimus irrotulamentum cujusdam Warranti nostri gerentis datum apud Greenwich decimo septimo die Maii ultime praterito, per dilecto & fidei Confiliario nostro Nicolao Bacon Militi, Custodi Magni Sigilli nostri Anglia, confecti, & in Rotulis Cancellaria nostra irrotulati, in hac verba, viz. Elizabeth by the Grace of God Queen of England, France, and Ireland, Defender of the Faith, &c. To our Right Trusty and Well-beloved Counsellor, Sir Nicholas Bacon, Knight, Keeper of the Great Seal of England, greeting. Where-*

as we have been inform'd, that heretofore there have been divers Controversies, Debates and Scrifes between the Vice-Chancellor, Masters and Scholars of our University of Oxford, and the Mayor, Bailiffs and Burgeses of our Town of Oxford aforesaid, wherein our Privy Council having sundry times heard the Allegations of both Parties, and their learned Counsel, and taken the Advice of *Roger Manwood* and *Robert Monson*, two of our Justices of Common Pleas, and our Attorney and Solicitor General, have with good Deliberation made certain Orders, agreeing with Law and Equity, and to be practis'd by both Parties accordingly. To the intent that the said good Order may ensue and continue hereafter to the more Quietness, and better Preservation of Justice; we do herewith send unto you the said Orders contain'd in a Schedule, subscrib'd with the Hands of our said Council, which at the humble Intercession of our Right Trusty and Well-beloved Cousin and Counsellor, the Earl of *Leicester*, Chancellor of our said University, our Will and Pleasure is, and so we require you, to cause to be entred and enroll'd in our Chancery, to remain in Record, and to be us'd and exemplify'd hereafter under our Great Seal, for the Benefit of the Chancellor, Masters and Scholars of our said University, or any others, as the Case shall require; and these our Letters shall be your sufficient Warrant in this behalf. Yeoven under our Signet at our Marmor of *Greenwich*, the seventeenth Day of *May*, 1575. in the seventeenth Year of our Reign. *Per ipsam Reginam, &c. & Warrantum inde remanet in custodiâ prædicti Custodis Magni Sigilli. Inspeimus etiam Irrotulamentum quarundam Ordinationum virtutè Warranti prædicti in rotulo Cancellariæ nostræ prædictæ,*

diffa, irregular. in hac verba, viz. Whereas heretofore there have been divers Controversies, Debates and Scrifes between the Vice-Chancellor, Masters and Scholars of the University of Oxford on the one side, and the Mayor, Aldermen and Commons of the said City on the other side, touching the Use and Exercise of sundry Charters and Privileges, alledged by both Parties, for the Maintenance of such Liberties, and other things, as were claimed by them. Whereupon did and was daily more and more like to ensue great Disquietness in the said University and Town, not meet to be suffer'd: Wherefore upon their Repair hither of Mr. D. *Humphrey*, Vice-Chancellor, and certain other Officers of the said University, and *Reg. Taylor*, Mayor, with some of the Aldermen, and the Recorder, Town-Clerk and Burgeses of the said City of Oxford, their Lordships thought it convenient to move both Parties to submit the Hearing of the Causes of their Controversies in Law, to grave and indifferent Men, learned in the Laws of the Realm: Whereupon both Parties did assent, that all and singular the said Controversies and Debates, should be committed to the Hearing, Report and Consideration of *Reg. Manwood* and *Rob. Adams*, two of the Justices of the Common Pleas, *Gilbert Gerard* and *Tho. Bromley*, her Majesty's Attorney and Solicitor General; who, by Order of their Lordships sundry Times called before them both Parties, and thereupon the said four Commissioners set in Writing their Opinions concerning the said Controversies, as agreeable with Law and Justice; and afterwards their Lordships, having had at their several Times of Meeting the said Vice-Chancellor, and Officers of the University, with their learned Counsel, whereof the one Time was at the Star-

Star-Chamber, and the Mayor, Aldermen, Recorder and Town-Clerk, of the said City, before them, with their learned Counsel at the same Time and Place, where the Lord Keeper of the Great Seal of *England*, and some others of the Privy-Council, besides these above-mentioned were present, and with Deliberation considered not only the Report of the said Committees exhibited in Writing, but also particularly in the Presence of the said Committees, and all the Parties, heard the Circumstances of the whole Matter, Claims, Answers and Replies, on both sides, what each Party could alledge, and so with great and advis'd Deliberation, their Lordships have, according to Right and Equity, for the Benefit and Quiet both of the said University and City, Places necessary to be ordered always by the Order and Authority of the Privy Council, thought convenient and necessary to have these Orders following set down, to be inviolably hereafter observed by both; and upon the Return of the said Vice-Chancellor and Mayor, within 14 Days to be publish'd and notified by them in the common Places of the Assemblies of the said University, to be by them appointed and called together for that Purpose; as in like solemn Acts hath been heretofore accustomed, as Orders enjoin'd unto them from their Lordships, in the Queen's Majesty's Name, and there to be registred in the common Book of the said University and City, to remain as a perpetual Memory and Record of such Orders between them, as followeth.

Imprimis, Whereas the said University de-
mandeth of the said City the Sum of 1500
Marks, for the Arrearages of an Annuity or
annual Payment of 100 Marks yearly, payable
by

The Arrearages of 1500 Marks.

by the said City for a Memorial or Pennance of a Slaughter committed by their Predecessors in a Conflict against the University; and for Payment whereof their Predecessors stand bound to the said University by their Deed obligatory, bearing Date the 15th Day of *May*, in the 21st Year of the Reign of *K. Edward III. of England*, and the 18th Year of his Reign of *France, &c.* now due and unpaid, as the said University alledgeth, for 15 Years now last past. For so much as the said City hath shewed unto us the said Committees, a Defeazance of the said Bond from the said University, bearing Date about the same Time, whereby the said University did then grant and agree, that if the Mayor and Burgeesses of the said City procur'd Mass to be said yearly, and at the same time did offer for the Souls of them that were slain in the said Conflict, that then the Grant or Bond of 100 Marks yearly should be void, for such and so many Years only, and for no more, wherein the said Mass and Offering was and should be procured and performed accordingly: And for that the said Condition is now and by the Space of the said 15 Years last past hath been against Law, so that the said City could not, nor may lawfully perform the same *verbatim*, according to the said Defeazance. It is therefore thought good and reasonable, and so ordered, that the said City, performing the true Meaning of all things hereafter mentioned, on their Part to be perform'd, should be discharged of the said Arrearages. And because the true Intent of the said Bond was principally to continue a perpetual Memory of the said Slaughter and Misdemeanor committed by the said City, to their Terror for so doing, or attempting the like: It is likewise thought reasonable

sonable and convenient by their Lordships, that the said Mayor and Burgeses of the said City shall cause yearly a Communion or Sermon to be made in St. Mary's Church there, on the Day mentioned in the said Defeazance, and then and there, with such Number of the City as in the said Bond or Defeazance are mentioned, make their Oblation yearly of a Penny a-piece (at the least) to the said University, for a perpetual Memory or Remembrance of the said Slaughter or Misdemeanor by them committed, as aforesaid, and not for the Souls of the Parties then slain, or for any other superstitious Use.

2. *Item*, Whereas by Letters Patents of King *Post-Horses*. Henry VIII. bearing Date the first Day of *Apr.* in the 14th Year of his Reign, it is granted to the said University, that neither the Horses of the Chancellor or Scholars of the said University, nor of their Servants, nor of the Servants of the said University, should be taken for *Post-Horses* or other Purposes, against their Will. And they complain that the Citizens of the said City have taken the Horses of divers Scholars and privileged Persons, contrary to the said Charter, and true Meaning thereof: It is thought reasonable and agreeable to Law and Equity, and therefore order'd, that the said University shall enjoy the Benefit of the said Charter touching the same; and that neither the said Citizens, nor any of them, should by any Colour, at any Time hereafter, take the Horses of any Scholars or Persons privileged of the said University, without the Assent of the said University, or of the Chancellor or Vice-Chancellor thereof, or of the said Scholars or privileged Persons.

3. *Item*, Whereas the said University sheweth *Oath of the* again by the Charter, bearing Date the 27th *Mayor, &c.* Day

Rather 18 Ed. 1. d die Pasche
per 15 dist.

Day of June, in the 52d Year of the Reign of
K. Hen. 3. that whensoever the Mayor and Bailiffs of Oxford should take their Oath in the common Place of their Assembly, Warning should be given thereof to the Chancellor of the said University, by the Commonalty of the said City, that either he might be there; or appoint some other in his Place; and that the said Mayor and Bailiffs should there take an Oath to observe and keep the Liberties and Customs of the said University. And whereas the said University now complain, that neither the Oath hath been taken, nor Warning given in Form aforesaid: And whereas the said City for answer hereto alledge, that they have not used to make any such Oath in their Common Place of Assembly, nor to give any such Warning; but say, that they have used, upon Warning given to them by the University, to take the same Oath in the University Church there, with a *Saving* always of the Liberties of the City: It is thought reasonable and convenient, and so order'd, that the said Oath mentioned in the said Charter, shall be taken by the Mayor and Bailiffs, and others of the said City, chargeable by the said Charter thereunto, yearly from henceforth *verbatim*, according to the said Charter, before the Mayor's Entry into the Execution of his said Office, and without any *Saving* of the Liberties of the said City; saving that, whereas the said Charter appoints it to be taken in the Common Place of Assembly of the said City: It is now thought good and hereby appointed to be taken and done in the said St. Mary's Church, for that Purpose lately accustom'd, adding only before these Words in the Oath, *Liberties and Customs of the University, &c.* this Word, *Lawful*, as ensueth, *viz. You shall swear, That truly you shall*

shall observe and keep all Manner of Lawful Liberties and Customs of the said University, which the Chancellor, Masters, and Scholars have reasonably used, without any Gain-saying, saving your Fidelity to the Queen's Majesty.

4. Item, That whereas K. Edw. III. by his Letters Patents, bearing Date the 12th Day of April, in the 10th Year of his Reign, did grant to the said University, that Men bringing Linen or Woollen Cloth to the Town of Oxford, or Suburbs thereof, might lawfully sell the same by Retail or Wholesale, to Scholars or others mention'd in the said Charter, at their Pleasure and Will, without Let or Disturbance of the Mayor, Bailiffs, or Burgeses of the said City : Contrary to which Grant the said University complains, that the said Mayor and Burgeses will not suffer poor Men bringing Woollen or Linen thither, to sell the same by Retail accordingly : Whereunto tho' the Answer of the said City is, that the said Grant made to the said University by the said Letters Patents, is contrary to their ancient Liberties, before that time to them granted and confirm'd by Letters Patents, and Acts of Parliament ; yet seeing their Allegation hath not been found to be sufficient, it is thought lawful and convenient, and ordered, that every Person bringing any Linen or Woollen Cloth to the said City of Oxford, may lawfully sell the same by Retail or Wholesale, to any Scholar or privileged Persons of the said University, or to any other in the said Charter licensed ; and that the said Scholars and privileged Persons, and others aforesaid, may lawfully buy the same, without Interruption of the said City, or any of them at all times hereafter.

5. Item, Whereas the said University, as well by Letters Patents of K. Henry VIII. bearing
Date

Date the first Day of *April*, in the 14th Year of his Reign, as also by a Composition between the said Town and University, in the Time of King *Edw. I.* claims Liberty and Freedom within the said City and Suburbs, for all Scholars, their Servants and Ministers, with their Families, and all other privileged Persons of the said University, to exercise any kind of Merchandize, and buy and sell things that be bought and sold within the same City and Suburbs openly and freely, and by Virtue of the said Grant, to be exonerated from all Contributions, Concord, Payment or License, for such Liberty; to be paid to the said Mayor, Aldermen, Bailiffs, or any Minister or Commonalty of the said Town; and complains that their said Liberty is interrupted and denied by the said Mayor and other of the said City, whereunto the said City answers in effect as before; *That the said Grant is contrary to their Liberties before that time to them granted;* which Allegation being not found sufficient; it is thought lawful and ordered, That all the Scholars, their Servants and Ministers, and all other the said Privileged Persons, should have and enjoy the Liberty and Freedom, above in this Article by them claimed, in such Manner and Form, and so clearly and freely, as by the Charter above in this Article rehearsed, is to the said University granted, the said privileged Persons *Tailliable with Scot, Lot,* and other Charges, as like Occupiers being Freemen of the said City, do, and ought lawfully to do for the said Merchandize.

6. *Item*, Whereas, as well by Charter of *K. Rich. II.* bearing Date the 15th Day of *July*, in the 14th Year of his Reign, as also by a former Charter of *K. Edw. I.* the Chancellor of the said University claims Cognizance of all Man-
ner

ner of Pleas Personal, as well of Debts, Accounts, and all other Contracts and Injuries, as Transgressions against the Peace, Misprisions, and all other Actions Personal, within the said City of Oxford, and the Suburbs thereof, and all other Places, within the Precincts of the said University, (Felony and Mayhem only excepted.) And whereas the said Chancellor and University by the said Charter, *Anno 14 H. 8.* confirm'd by Act of Parliament *Anno 13. Reg. Eliz.* claim to be Justices of the Peace, and to do all things thereunto appertaining, within the said City and University, when any Master, Scholar, Minister, or other privileged Person, is one of the Parties: And that no Justice nor Judge (in the Presence or Absence of the said King, and his Heirs) Sheriff, Mayor, or any Minister whatsoever, in such Pleas, shall intromit themselves, &c. but that the said Chancellor and his Successors, and their Commissaries or Lieutenants only, shall be corrected and punish'd in Form aforesaid: And complains, that of late sundry privileged Persons have been called before the Mayor and his Brethren, and sundry Processes awarded out, tending to the Out-lawry of them. Whereunto forasmuch as the City makes no sufficient Answer: It is thought lawful, convenient and necessary, and therefore ordered, that no Scholar or privileged Person, shall be sued or molested in the said City before any Judge or Justice there, but only in the Court of the University aforesaid: And that all Indictments, Out-lawries, and Proceedings against such Scholars and privileged Persons, contrary to the Charter above expressed, heretofore had, or hereafter to be had, are and shall be declar'd and taken as unlawful, unduly, and without Warrant proceeded in and done against them.

Item, Whereas the Chancellor of the said University claims by Prescription to keep Leets in the Guild-Hall of the said City, and by the Letters Patents of K. Henry VIII. bearing Date the first Day of April, in the sixth Year of his Reign, that the said Chancellor, or his Deputy, should keep the said Leet from thenceforth to be by them kept, within the Precincts of the said University, should make Precepts to the Ministers or Minister of the said University; and that they, or one of them, should have full Power and Authority from Time to Time, to return Precepts, Pannels and Attachments, before the Chancellor, Commissary, or his Deputy; and further to execute and do all and every Thing and Things, as the King's Ministers are now and ought within the Realm of England, and all those Things which belong or ought to belong to the said Frank-Pledge; and complain, and when they should have kept their Leet, and executed other Points of their Privilege accordingly, the Mayor and Bailiffs shut the Guild-hall Door, and would not suffer them to enter, nor keep their Leet there, as was accustomed. In answer whereto, for that the said City denies not the Prescription and Charter aforesaid to keep the said Leet as is aforesaid; but say, that the Custom aforesaid is, that the Precepts for Returning of the Juries that should enquire in the said Leet, should be directed to the Bailiffs of the said City, and Estreats; saving for the Correction of the Assize of Bread, Wine, Ale, patrifish and Flesh, Regrators, Foresters, &c. should be delivered to them, to be levied to the Use of the said City, and the Citizens not to be impanell'd with Foreigners, nor no Officer to execute any Process within the said City, other than the Bailiffs thereof; which, because the

said

said University would not allow, they would not let them enter into the *Guild-Hall*, as is aforesaid, as the said City alledge: But now, to the intent that all Offences in the Leet may be the more effectually and indifferently presented and punished, it is thought convenient, and so ordered, that the said University shall keep their Leet in the *Guild-Hall* aforesaid, as hath been accustomed, and as in the said Charter is mentioned, ~~sitting~~ they shall make two Precepts for summoning of two Juries to enquire therein, the one to the Officers of the University, the other to the Bailiffs of the City; and they are to return two several Juries to be severally sworn, and to make several Inquisitions there; and the ~~Edwards and~~ Amercements of such Deers to be gathered by such Officers, and to such Use as heretofore hath been accustomed, without Interruption or Disturbance hereafter of the said City, ~~openly~~ other by their Means.

Item; Whereas, as well by Charter of King ~~Edw. 3.~~ bearing Date the 27th Day of June, in the 1st Year of his Reign, as by Act of Parliament made in the 12th Year of the Reign of ~~Edw. 3.~~ the Chancellor of the said University, his Commissary and Lieutenant, hath and ought to have wholly and solely the Custody of the Assize of Bread, Ale and Wine, together with the Punishment of all Offenders, and the Fines, Issues, and Commodities thereupon arising; yielding and paying therefore yearly in the Queen's Highnesses Court of Exchequer, as by the said Charter and Act of Parliament may appear. And further, whereas the *Brewers* of the City of *Oxford* have lately procur'd to themselves a pretended Charter of Incorporation or Society, and sundry new Laws and Ordinances touching the same, to the manifest Derogation

The City's pretended Corporation of Brewers abrogated.

of the Liberties of the said University; especially for that the Chancellor, by the Assent of the *Convocation*, hath Authority to make Societies or Corporations, namely, concerning *Virtuallets*; and sundry others, as appears by the said Charter of K. *Hen.* 8. which said pretended Corporation or Society of the *Brewers*, newly devised, to the Disturbance of the Liberties of the University, is and hath been one of the chief and original Causes of this Variance and Strife, betwixt the University and City. It is thought convenient and necessary, and therefore ordered, that the said new Device of the Society of *Brewers*, concerning sundry new Laws and Ordinances, be brought in and cancelled before the Chancellor or his Commissary, without Delay, and declared from thenceforth to be void.

Item, Whereas the late Bailiffs of the said City disorderly did shut the *Guild-Hall* Door, against the Commissary, Doctors, Proctors, and Regents of the University; they intending and coming thither to keep their Leet for the Queen's Majesty's Service, where the Chancellor and his Commissary always heretofore have kept their Leet. And also whereas in the late Time of Queen *Mary*, there was a Decree made by the Lords of the Council in the Star-Chamber, that in the like Affairs of the University, the *Guild-Hall* should be set open to the Chancellor or his Commissary, under the Pain of 200 l. It is thought good and order'd, that the same Decree and Custom be hereafter observed upon the Payment there limited. And for the Disorder lately committed, in not suffering the Commissary, and others aforesaid to keep the Leet in the said *Guild-Hall*, as they were accustom'd; their Lordships, upon Condition that the said Mayor

Mayor and Bailiffs shall willingly and obediently observe all such Orders, as be here set down, do think convenient; that the said University do remit the said Forfeiture of 200 l. for this Time only; otherwise to be at Liberty to prosecute the said Pain according to the Law and Justice. All and singular which Orders, their Lordships will to be registred here, in the Book of Her Majesty's Privy-Council, and two Duplicates thereof to be sign'd by the Lords of the Council, and to be afterwards inserted among the Records of the said University, straitly willing and charging in Her Majesty's Name, all and singular Persons, as well of the University as City, to obey and observe the same humbly and dutifully, as they and every of them will upon Her Majesty's Indignation, and their own Perils, answer to the contrary.

N. Bacon, Custos Sigilli.

<i>Nic. Bacon</i>	<i>Rob. Leicester</i>
<i>Will. Burleigh</i>	<i>Fran. Knollis</i>
<i>Tho. Sussex</i>	<i>James Crofts</i>
<i>Arundell</i>	<i>Tho. Smith,</i>
<i>Fran. Bedford</i>	<i>Fran. Walsingham</i>



CHANCELLORS of the University of OXFORD.

- | | | | |
|------|------------------------------|------|------------------------------|
| 1233 | R alph Cole | 1283 | Roger de Rowell |
| 34 | Idem Cole | 84 | Idem Roger, |
| 38 | Simon de Bovill | 85 | Harvey de Saham |
| 39 | John de Rigater | 86 | Idem Harvey |
| 1240 | Rich. de la Wyke | 87 | Idem Harvey |
| 44 | Simon de Bovill | 88 | Rob. de Winchelsey, |
| 46 | Gilb. de Biham, <i>A.M.</i> | | <i>A.M.</i> |
| 1252 | Ralph de Sempling- | 89 | Will. de Kingscote, |
| | ham | | <i>A.M.</i> |
| 53 | Idem Ralph, <i>A.M.</i> | 1290 | John de Ludlow, <i>A.M.</i> |
| 55 | Will. de Lodelawhe, | 91 | Sim. de Gaunt, <i>S.T.P.</i> |
| | <i>A.M.</i> | 92 | Idem Simon |
| 56 | Rich. de St. Agatha | 93 | Roger de Mortivals, |
| 1262 | Tho. de Cantelupe, | | <i>S.T.P.</i> |
| | <i>A.M.</i> | 94 | Roger de Weseham, |
| 67 | Nic. de Ewelme, <i>A.M.</i> | | <i>S.T.P.</i> |
| 68 | Idem Nicholas | 95 | Idem Roger |
| 69 | Tho Beke, <i>A.M.</i> | 96 | Idem Roger |
| 1270 | Will. de Bosco | 97 | Rich. de Clyve |
| 73 | Idem William | 98 | Idem Richard |
| 74 | Euface de Norman- | 99 | Idem Richard |
| | ville | 1300 | James de Cobeham |
| 1280 | H. de Stanton, <i>J.C.P.</i> | 01 | Idem James |
| 81 | Idem Henry | 02 | Idem James |
| 82 | Will. de Mountford, | 03 | |
| | <i>J.C.P.</i> | 04 | Sim. de Faversham |

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|------|---------------------------|------|---------------------|
| 1305 | Idem de Baverham | 1347 | Idem Northwode |
| 06 | Will. Giffard | 48 | Idem Northwode |
| 1311 | Henr. de Mansfield | 49 | John Wyllhyot |
| 13 | Henr. de Hurelay | 1350 | Will. de Palmorna |
| 14 | Idem de Hurelay | 51 | Idem de Palmorna |
| 15 | Idem de Hurelay | 54 | Hum. de Charleton |
| 16 | Rich. de Noctingham | 55 | Idem Humphrey |
| 17 | John Lutterell | 56 | Idem Humphrey |
| 18 | Idem Lutterell | 57 | Idem Humphrey |
| 19 | Idem Lutterell | 58 | John de Hotham |
| 1320 | Idem Lutterell | 59 | Idem de Hotham |
| 21 | Idem Lutterell | 1360 | Nic. de Aston |
| 22 | Idem Lutterell | 61 | Idem Nicholas |
| 23 | Henry Gower | 62 | Idem Nicholas |
| 24 | Will. de Alburwyke | 63 | John de Echingham |
| 25 | Idem Alburwyke | 64 | Idem Echingham |
| 26 | Tho. Hotham | 65 | Idem Echingham |
| 27 | Idem Hotham | 66 | Adam Tonworth |
| 28 | Ralph de Shrewsbury | 67 | Will. Courtney |
| 29 | Rog. de Streton | 68 | Idem Courtney |
| 1330 | Nigell de Waure or Wavery | 69 | Idem Courtney |
| 31 | Idem Nigell | 1370 | Adam Tonworth |
| 32 | Ralph Radyn | 71 | Will. de Heytesbury |
| 33 | Idem Ralph | 72 | Will. de Remmington |
| 34 | Hugh de Willougby | 73 | Idem Remmington |
| 35 | Rob. de Stratford | 74 | Will. de Wylton |
| 36 | Idem Stratford | 75 | Idem William |
| 37 | Idem Stratford | 76 | John Turke |
| 38 | Rob. Paynink | 77 | Adam Tonworth |
| 39 | William de Skelton | 78 | Idem Tonworth |
| 1340 | Idem Skelton | 79 | Rob. Aylesham |
| 41 | Will. de Bergeveney | 1380 | Will. Berton |
| 42 | Idem William | 81 | Rob. Rugge |
| 43 | Idem William | 82 | Will. Berton |
| 44 | Idem William | 83 | Rob. Rugge |
| 45 | John de Northwode | 84 | Idem Rugge |
| 46 | Idem Northwode | 85 | Idem Rugge |
| | | 86 | Idem Rugge |

- 1387 Idem Rugge
 88 Idem Rugge
 89 Tho. Brightwell
 1390 Tho. Cranley
 91 Rob. Rugge
 92 Ralph Rudrith
 93 Tho. Presbury
 94 Rob. Allyngton
 95 Tho. Hyndman
 96 Idem Hyndman
 97 Phil. Repynden
 98 Henry Beaufort
 99 Tho. Hyndman
 1400 Phill. Repyndon
 01 Idem Repyndon
 02 Idem Repyndon
 03 Robert Halam
 04 Idem Halam
 05 Idem Halam
 06 Idem Halam
 Will. Faringdon
 Rich. Courtney
 07 Idem Courtney
 Rich. Ullerston
 08 Will. Clynt
 09 Tho. Presbury
 1410 Will. Sulbury
 11 Rich. Courtney
 John Baynard
 12 Will. Sulburye
 13 Idem Sulburye
 Will. Barrow
 14 Idem Barrow
 15 Idem Barrow
 16 Tho. Clare
 17 Idem Barrow
 18 Tho. Clare
 19 Rob. Colman

- 1420 Walter Treugoff
 Tho. Rodeburne
 21 John Castell
 22 Idem Castell
 23 Idem Castell
 24 Idem Castell
 25 Idem Castell
 26 Tho. Chace
 27 Idem Chace
 28 Idem Chace
 29 Idem Chace
 1430 Idem Chace
 31 Idem Chace
 Gilbert Kymer
 32 Idem Kymer
 33 Idem Kymer
 Tho. Bouchier
 34 Idem Bouchier
 35 Idem Bouchier
 36 Idem Bouchier
 37 Idem Bouchier
 John Carpenter
 38 Idem Carpenter
 39 John Norton
 1440 Rich. Rotherham
 Will. Grey
 41 Idem Grey
 42 Idem Grey
 Tho. Gascoigne
 Hen. Sever
 43 Idem Sever
 Tho. Gascoigne
 44 idem Gascoigne
 45 idem Gascoigne
 Rob. Thwaytes
 46 idem Thwaytes
 Gilb. Kymer
 47 idem Kymer

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|------|------------------|------|--|
| 1448 | idem Kymer | 1481 | idem Wideville |
| 49 | idem Kymer | 83 | idem Wideville |
| 1459 | idem Kymer | | William Dudley, <i>Bishop of Durham</i> |
| 51 | idem Kymer | 84 | John Russell, <i>Bishop of Lincoln</i> |
| 52 | idem Kymer | 95 | <i>Archbishop</i> Moreton |
| 53 | idem Kymer | 1500 | William Smith, <i>Bishop of Lincoln</i> |
| 54 | George Nevill | 02 | — Fitz-james, <i>Bishop of Rochester</i> |
| 55 | idem Nevill | | Rich. Mahew |
| 56 | idem Nevill | 06 | <i>Archbishop</i> Warham |
| 57 | idem Nevill | 32 | John Longland, <i>Bishop of Lincoln</i> |
| | Tho. Chaundler | 47 | Rich. Cox |
| 58 | idem Chaundler | 52 | Sir Rich. Mason |
| 59 | idem Chaundler | 56 | <i>Cardinal</i> Pole |
| 1460 | idem Chaundler | 68 | Hen. Fitz-allen <i>Earl of Arundel</i> |
| 61 | idem Chaundler | 60 | Sir Richard Mason |
| | George Nevill | 64 | Rob. Dudley, <i>Earl of Leicester</i> |
| 62 | idem Nevill | 88 | Christopher Hatton, <i>Lord Chancellor of England, &c.</i> |
| 63 | idem Nevill | 91 | Tho. Sackville, <i>Lord Buckhurst, &c.</i> |
| 64 | idem Nevill | 1608 | <i>Archbishop</i> Bancroft |
| 65 | idem Nevill | 10 | Thom. Egerton, <i>Lord Ellesmere, &c.</i> |
| 66 | idem Nevill | 16 | William Herbert, <i>E. of Pembroke, &c.</i> |
| 67 | idem Nevill | 30 | <i>Archbishop</i> Laud |
| 68 | idem Nevill | 41 | Philip E. of Pembroke |
| 69 | idem Nevill | 43 | William Marquess of Hertford |
| 1470 | idem Nevill | 48 | Phil. <i>Earl of Pembroke</i> |
| 71 | idem Nevill | | |
| 72 | idem Nevill | | |
| | Tho. Chaundler | | |
| 73 | idem Chaundler | | |
| 74 | idem Chaundler | | |
| 75 | idem Chaundler | | |
| 76 | idem Chaundler | | |
| 77 | idem Chaundler | | |
| 78 | idem Chaundler | | |
| 79 | idem Chaundler | | |
| | Lionel Wideville | | |
| 1480 | idem Wideville | | |
| 81 | idem Wideville | | |

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|--------------------------------|--------------------------|
| 1651 Oliver Cromwell | 1669 James D. of Ormond, |
| 58 Richard Cromwell | 830 |
| 60 Sir Edward Hyde, <i>Ld</i> | 88 James D. of Ormond, |
| <i>Chanc. of Engl. &c.</i> | &c. |
| 67 Archbishop Sheldon | |

HIGH-STEWARDS of the University of OXFORD.

- John Norreys *Esq.*
- 1466 Sir Robert Harcourt *Knt.*
- 72 John de la Pool *Duke of Suffolk*
- 85 Gasper de Hatfield, *Duke of Bedford*
- 87 Edmund Hampden *Esq.*
- 92 Sir William Stonar
- 94 Sir Reginald Bray
- 1509 Sir Thomas Lovell *Knt.*
- 24 Sir Thomas More, *Lord High Chancellor of England*
- 32 Lord William Fitz-Williams, *Earl of Southampton*
- 42 John Russell, *Earl of Bedford, &c.*
- 55 Henry Fitz-Allen, *Earl of Arundel, &c.*
- 58 John Lumley *Lord of Lumley*
- 1609 Henry Howard, *Earl of Northampton*
- 15 Philip Herbert, *Lord Herbert of Shirland, &c.*
- 41 William Fiennes, *Viscount Say and Seal*
- 43 George Digby, *Lord Digby of Sherbourne*
- 46 Ditto William Fiennes *restored*
- 60 Ditto George Digby *restored*
- 63 John Egerton *Earl of Bridgewater*
- Lawrence Hyde, *Earl of Rochester*
- 86 Henry Hyde, *Earl of Clarendon*
- 1711 Henry Hyde, *Earl of Rochester*

1462. 16. Howell. the Hist. Univ.

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COMMISSARIES or VICE-CHANCELLORS

1400	Will. Farendon				Will. Grey
1404	Griff. Hirkadam	1442			Will. Babington
1405	Will. Farendon				Will. Westka
	{ John Whytebode				{ Will. Dowson
1406	{ John Orum	1443			{ Will. Westka
1407	Ditto Orum				{ Will. Dowson
1422	John Daventrey	1444			{ Rich. Hall
1426	Rich. Roderham				{ Will. Westka
1427	Ditto Roderham				{ Will. Dowson
1428	Ditto Roderham	1445			{ John Selot
1429	Ditto Roderham				{ Will. Westka
1430	Ditto Roderham	1446			{ John Moreton
1431	Ditto Roderham				{ Will. Dowson
1432	Ditto Roderham				{ John Burneby
1433	John Burbach	1447			{ Will. Dowson
	{ Tho. Gascoigne				{ Ditto Dowson
1434	{ Christopher Knolles	1448			{ Ditto Burnet
	{ John Burbach				{ John Willey
	{ Ditto Burbach	1449			{ Ditto Burnet
1435	{ Tho. Boningworth				{ Ditto Dowson
	{ Ditto Burbach				{ Rich. Ryngt
1436	{ Tho. Greneley				{ John Beke
	{ John Gorfuch	1450			{ Rog. Bulkley
1437	{ Tho. Grenely				{ John Van
	{ John Gorfuch				{ John Beke
1438	{ Will. Hawtrine	1451			{ John Van
	{ John Gorfuch				{ John Van
	{ John Burbach				{ John Beke
1439	{ Tho. Southam	1452			{ T. Yweyn al
	{ Tho. Gascoigne				{ Tho. Sawnd
1440	John Gorfuch				{ Lucas Lacoc
	{ John Gorfuch				{ Rob. Thway
1441	{ Rob. Thwaites	1453			{ Tho. Sawnd
	{ Will. Babington				{ Tho. Chalk

1454	Tho. Sawnders	1468	{ Tho. Stevyn
	{ Tho. Sawnders		{ Tho. Jane
1455	{ Tho. Fwyng		{ Rob. Tully
1456	Tho. Sawnders	1469	{ Tho. Jane
	{ Tho. Sawnders		{ Tho. Stevyn
1457	{ Tho. Chippenham	1470	Tho. Stevyn
	{ Walt. Wynhale	1471	Ditto Stevyn
1458	{ Tho. Twynge	1472	Ditto Stevyn
	{ John Danvers	1473	Ditto Stevyn
	{ John Danvers	1474	Ditto Stevyn
1459	{ Tho. Jane	1475	Ditto Stevyn
1460	Tho. Chalke	1476	Ditto Stevyn
	{ Will. Ive	1477	Ditto Stevyn
1461	{ Rog. Bulkley	1478	Ditto Stevyn
1462	Will. Ive	1479	Ditto Stevyn
	{ John Wats	1480	{ John Lane
	{ Tho. Chaundler		{ Will. Sutton
1463	{ David Husband	1481	{ Richard Fitzjames
	{ John Mulcaster		{ William Sutton
	{ John Mulcaster	1482	{ Robert Wrangwais
	{ Laur. Cokkys		{ Sutton
1464	{ Tho. Chaundler	1483	Ditto Sutton
	{ Rog. Bulkley		{ Ditto Sutton
	{ John Caldbeck	1484	{ Richard Mayhew
	{ Tho. Person		{ Thomas Pawnton
	{ Tho. Smyth	1485	Richard Mayhew
1465	{ Rob. Ixworth	1486	John Taylour
	{ John Caldbeck	1487	Richard Estmond
	{ Tho. Chaundler	1488	John Coldale
	{ Tho. Chaundler	1489	Ditto Coldale
	{ John Caldbeck	1490	Ditto Coldale
1466	{ Tho. Stevyn	1491	{ Richard Fitzjames
	{ Laur. Cokkys		{ Ditto Coldale
	{ Tho. Hill	1492	Ditto Coldale
	{ Tho. Chaundler	1493	Robert Smyth
1467	{ Tho. Stevyn	1494	Ditto Smyth
	{ . . . Walton	1495	Ditto Smyth
		1496	Ditto Smyth

1497	William Atwater				Ditto Wylsford
1498	{ William Atwater	1512	{ William Fauntleroy		
	{ Thomas Harper		{ John Kynton		
	{ David Huys		{ Ditto Kynton		
1499	{ William Atwater	1513	{ William Fauntleroy		
	{ Thomas Chaundler		{ John Thornden		
1500	William Atwater		{ Ditto Thornden		
	{ William Smith	1515	{ Laurence Stubbys		
1501	{ Thomas Banke	1516	Edmund Wylsford		
	{ Hugh Sawnders	1517	Laur. Stubbys		
1502	The same again	1517	Richard Duck		
	{ John Thornton	1518	Richard Duck		
1503	{ John Kynton		{ Ralph Barnack		
	{ S. Grene, of Foderby	1519	{ Richard Duck		
	{ Ditto Grene		{ William Brake		
1504	{ John Kynton	1520	{ Richard Benger		
	{ Rob. Tehy, of Thay	1521	Richard Benger		
	{ Ditto Tehy	1522	Ditto Benger		
1505	{ Sim. Foderby	1523	Thomas Musgrave		
	{ John Roper	1524	Ditto Musgrave		
	{ John Adams	1525	Ditto Musgrave		
1506	{ John Thornden	1526	Ditto Musgrave		
	{ William Fauntleroy	1527	Ditto Musgrave		
	{ Ditto Fauntleroy	1528	John Cottisford		
1507	{ John Thornden	1529	Ditto Cottisford		
	{ John Avery	1530	Ditto Cottisford		
	{ John Kynton	1531	Ditto Cottisford		
1508	{ William Fauntleroy		{ Ditto Cottisford <i>dead</i>		
	{ John Thornden	1532	{ William Tresham		
1509	William Fauntleroy	1533	William Tresham		
	{ William Fauntleroy	1534	Ditto Tresham		
1510	{ John Thornden	1535	Ditto Tresham		
	{ Thomas Mychel	1536	Ditto Tresham		
	{ William Fauntleroy	1537	Ditto Tresham		
	{ Thomas Drax	1538	Ditto Tresham		
1511	{ John Roper	1539	Ditto Tresham		
	{ John Cokkys	1540	Ditto Tresham		
	{ Edmund Wylsford	1541	Ditto Tresham		

- 1542 Ditto Fresham
 1543 Ditto Fresham
 1544 Ditto Fresham
 1545 Ditto Fresham
 1546 Ditto Fresham
 1547 Wm. Wright, LL.D.
 1548 Ditto Wright
 1549 Ditto Wright
 1550 Ditto Wright
 William Fresham
 Oth. Oglesby, S.T.P.
 1551 Rich. Martial, S.T.P.
 Ditto Martial
 1554 John Marner, M.D.
 1555 Rich. Smyth, S.T.P.
 1556 Wm. Fresham
 1556 Thos. Reynolds, S.T.P.
 1557 Ditto Reynolds
 1558 William Fresham
 1559 Ditto Fresham
 1560 Fran. Babington, S.T.P.
 1561 Ditto Babington
 1562 Ditto Babington
 Thos. Whyte, LL.D.
 1563 Ditto Whyte
 Ld. Humphreys, S.T.P.
 1564 John Kennall, LL.D.
 1565 Ditto Kennall
 1566 Ditto Kennall
 1567 Thos. Cooper, M.A.
 1568 Ditto Cooper
 1569 Ditto Cooper
 1570 Ditto Cooper
 1571 Laur. Humphreys
 1572 Ditto Humphreys
 1573 Ditto Humphreys
 1574 Ditto Humphreys
 1575 Ditto Humphreys
 1576 Ditto Humphreys
 1577 Wm. Cole, S.T.P.
 1578 Mar. Calceppen, M.D.
 1579 Thos. Matthews, S.T.P.
 1580 Arch. Veldard, S.T.P.
 1581 Wm. James, S.T.P.
 1582 Robt. Hoveden, S.T.P.
 1583 Thos. Thornton, S.T.P.
 1584 John Underhill, S.T.P.
 1585 Edm. Lilley, S.T.P.
 1586 Dan. Bernard, S.T.P.
 1587 Fran. Willis, S.T.P.
 1588 Marrio Hetch, S.T.P.
 1589 Nic. Bonde, S.T.P.
 1590 Will. James, S.T.P.
 1591 Ditto James
 1592 Ditto Nic. Bonde
 1593 Edm. Lilley
 1594 Ditto Lilley
 1595 Ditto Lilley
 1596 Thos. Ravys, S.T.P.
 1597 Ditto Ravys
 1598 Thos. Singleton, S.T.P.
 1599 Thos. Thornton
 1600 George Abbot, S.T.P.
 1601 George Ryves, S.T.P.
 1602 John Howson, S.T.P.
 1603 George Abbot
 1604 John Williams
 1605 Ditto Abbot
 1606 Hen. Ayray, S.T.P.
 1607 John Kyng, S.T.P.
 1608 Ditto Kyng
 1609 Ditto Kyng
 1610 Ditto Kyng
 1611 Ditto Singleton
 1612 Ditto Singleton
 1613 Ditto Singleton

1614 Wm. Goodwyn, S.T.P.	1652 John Owen, S.T.P.
1615 Ditto Goodwyn	1653 Ditto Owen, S.T.P.
1616 Arthur Lake, S.T.P.	1654 Ditto Owen
1617 Ditto Goodwyn	1655 Ditto Owen
1618 Ditto Goodwyn	1656 Ditto Owen
1619 John Prideaux, S.T.P.	1657 John Owen, S.T.P.
1620 Ditto Prideaux	1658 Ditto Owen
1621 Will. Piers, S.T.P.	1659 Ditto Owen
1622 Ditto Piers	1660 Paul Hoad, S.T.P.
1623 Ditto Piers	1661 Rich. Baylie
1624 John Prideaux	1662 Wm. Bradford, S.T.P.
1625 Ditto Prideaux	1663 Ditto Bradford
1626 Will. Juxon, LL.D.	1664 Rob. Say, S.T.P.
1627 Ditto Juxon	1665 Ditto Say
1628 Accept. Frewen, S.T.P.	1666 John Fell, S.T.P.
1629 Ditto Frewen	1667 Ditto Fell
1630 Will. Smyth, S.T.P.	1668 Ditto Fell
1631 Ditto Smith	1669 Peter Mews, LL.D.
1632 Brian Duppa, S.T.P.	1670 Ditto Mews
1633 Ditto Duppa	1671 Ditto Mews
1634 Rob. Pinke, S.T.P.	1672 Ditto Mews
1635 Ditto Pinke	1673 Ralph Bathurst, M.D.
1636 Rich. Baylie, S.T.P.	1674 Ditto Bathurst
1637 Ditto Baylie	1675 Ditto Bathurst
1638 Acceptus Frewen	1676 Henry Clerk
1639 Ditto Frewen	1677 John Nicolas, S.T.P.
1640 Christo. Potter, S.T.P.	1678 John Nicolas
1641 John Prideaux	1679 Tim. Halton, S.T.P.
1642	1680 Ditto Halton
1643 Tolson, S.T.P.	1681 Ditto Halton
1644 Rob. Pinke	1682 John Lloyd
1645 Sam. Fell, S.T.P.	1683 Ditto Lloyd
1646 Ditto Sam. Fell	1684 Ditto Lloyd
1647 Ditto Sam. Fell	1685 Tim. Halton
1648 Edw. Reynolds, A.M.	1686 John Ven, S.T.P.
1649 Ditto Reynolds, S.T.P.	1687 Gilb. Ironside
1650 Da. Greenwood, S.T.P.	1688 Ditto Ironside
1651 Ditto Greenwood	1689 Jon. Edwards, S.T.P.

1690	Ditto Edwards	1702	Will. Delaune, S.T.P.
1691		1703	Ditto Delaune
1692	Hen. Aldrich, S.T.P.	1704	Ditto Delaune
1693	Ditto Aldrich	1705	Ditto Delaune
1694	Ditto Aldrich	1706	Will. Lancaster, S.T.P.
1695	Bitz. Adams, S.T.P.	1707	Ditto Lancaster
1696	Ditto Adams	1708	Ditto Lancaster
1697	John Mear, S.T.P.	1709	Ditto Lancaster
1698	Will. Paynter, S.T.P.	1710	Th. Braithwait, L.L.D.
1699	Ditto Paynter	1711	Ditto Braithwait
1700	Rog. Maunder, S.T.P.	1712	Bern. Gardiner
1701	Ditto Maunder	1713	Ditto Gardiner

PROC.

PROCTORS.

- 1267 **R**oger de Plumpton
- Henry de Godfrey
- Robert de Burgo
- 1281 William de Coleshull
- Henry de la Wyle, *Coll. Mert.*
- 1286 Robert Marmyon
- John de la More, *Coll. Mert.*
- 1288 Edward Farney
- Thomas de Abendon
- 1311 Robert de Bridlington } *Coll. Mert.*
- Thomas de Hambleton, *Coll. Bal.*
- 1313 John de la Grave, *Coll. Mert.*
- Richard Abell
- 1315 William Barnaby, *Coll. Mert.*
- William Skelton
- 1322 Simon Ifley, *Coll. Mert.*
- Ditto Skelton
- 1323 John de Fenton, *Coll. Bal.*
- William de Harrington, *Coll. Mert.*
- 1325 Thomas de Bradwardyn
- Anthony Goldesburg
- 1327 Elias Walwayne
- Thomas de Redyng, *Coll. Mert.*
- 1331 William de Witheton
- Edward de Wyke
- 1333 John de Gotham
- Adam de Potthow
- 1340 Richard de Shrovesbury
- Michael de Hamplesford
- 1343
- S. John Loke
- 1346 N. William Ingestre

- S. Thomas de Stratford
 1348 N. Robert de Ingram
 1349 Ditto
 Roger de Afwardby, *Coll. Univer.*
 1350 Robert Frommund, *Coll. Ex.*
 John de Middleton, *Coll. Oriel.*
 1355 Nic. de Radings, *Coll. Mert.*
 1356 Ditto
 John Josefyn, *Coll. Mert.*
 1357 Alexander Ferribygge, *Coll. Oriel*
 William Deneby, *Coll. Or.*
 1358 Richard de Tonworth, *Coll. Mert.*
 Richard de Tonworth, *Coll. Mert.*
 1360 Robert Derby
 Simón Lambourne, *Coll. Mert.*
 1361 James Stanton, *Coll. Or.*
 Richard Sutton, *Coll. Mert.*
 1363 Walter Wandesford, *Coll. Or.*
 Walter Wandesford, *Coll. Or.*
 1364 Walter Remmesbury, *Coll. Mert.*
 William Fereby, *Coll. Bal.*
 1366 Thomas Hulum
 Adam Plushpton, *Coll. Bal.*
 1367 Robert de Aylesham, *Coll. Mert.*
 Robert de Aylesham, *Coll. Mert.*
 1368 William Fereby, *Coll. Bal.*
 Robert Underhill
 1372 Peter Eland
 William Wakefield
 1376
 Thomas Lyndelow, *Coll. Bal.*
 1377 John Wendover, *Coll. Mert.*
 John Buritone
 1379 Richard Pester
 John Huntman
 1382 Walter Diffy, *Coll. Or.*
 Stephen Brakkeley
 1393 Richard Whelpynton, *Coll. Mert.*

- 1395 John Roke, *Coll. Or.*
 Robert Thurbury, *Coll. Nov.*
 1396 John Loke, *Coll. Mert.*
 Thomas Nafferton, *Coll. Un.*
 1399 Robert Thurbury, *Coll. Nov.*
 John Roke, *Coll. Or.*
 1400 John Forster
 John Brampton
 1401 John Forster
 Thomas Rodeburne, *Coll. Mert.*
 1402 Ditto
 1403 Roger Wheldale, *Coll. Reg.*
 Thomas Lucas, *Coll. Mert.*
 Edmund Orsware
 1404 William Colthurst
 Thomas Martyn, *Coll. Mert.*
 1405 John Castell, *Coll. Univ.*
 1406 Walter Logardyn, *Coll. Mert.*
 Adam Skelton, *Coll. Reg.*
 1407 William Duffield, *Coll. Mert.*
 Richard Flemming, *Coll. Un.*
 1408 Richard Colling
 Roger Gates, *Coll. Mert.*
 1409 Robert Aclom
 Richard Baron, *Coll. Mert.*
 1410 Richard Colling
 Roger Orsoworth
 1411 John Byrch, *Coll. Un.*
 Bennet Brent, *Coll. Ex.*
 1412 Gilbert Kymer, *Coll. Un.*
 William Symond, *Coll. Un.*
 1413 William Symond
 Gilbert Kymer
 1414 Robert Camel
 John Colum
 1415 Henry Woochurch
 Robert Dinkley, *Coll. Un.*

- Robert Dinkeley
 1416 William Andrews, *Coll. Ex.*
 John Allwarde, *Coll. Ex.*
 1417 Robert Tonge, *Coll. Un.*
 William Moulton, *Coll. Un.*
 1418 John Worthille, *Coll. Bal.*
 Richard Heth
 1419 Richard Burnham
 Robert Morton, *Coll. Or.*
 1420 Thomas Juster, *Coll. Mert.*
 Robert Beaumont
 1421 John Hill
 Thomas Cotes
 1422 Kylling Merish, *Coll. Un.*
 John Bedminster, *Coll. Or.*
 1423 Robert Thwaites, *Coll. Bal.*
 John Bedminster, *Coll. Or.*
 1424 Thomas Grenly, *Coll. Or.*
 John Schireburne, *Coll. Or.*
 1425 William Colling
 Thomas Lysures
 1426 John Arundell, *Coll. Ex.*
 Henry Sewer, *Coll. Mert.*
 1427 Richard Babthorpe
 John Wygrym, *Coll. Mert.*
 1428 Richard Babthorpe
 Richard Babthorpe
 1429 John Kyng
 Thomas Grant, *Coll. Or.*
 1430 Thomas Eglesfield, *Coll. Reg.*
 William Tybart
 1431 William Brandon, *Coll. Bal.*
 William Brandon
 1432 John Halse, *Coll. Ex.*
 William Dowson, *Coll. Un.*
 1433 Roger Bulkley, *Hare-Hall*
 Richard Tenant
 1434 Michael Tregory

- 1435 John Spekington, *Salisbury Hall*
 Robert Multon, *Black Hall*
 William Crowton, *Coll. Oriel*
 1436 John Kirkby, *Frideswyde Hall*
 John Kirkby
 1437 Thomas Kempe
 William Selby, *Coll. Nov.*
 1438 Robert Flemming, *Coll. Univ.*
 William Orell
 1439 John Willey
 John Segden, *Staple Hall*
 1440 Richard Newbrygge, *Coll. Mert.*
 William Saye, *Coll. Nov.*
 1441 John Killingworth, *Coll. Mert.*
 S. Roger Grey, *Coll. Un.*
 1442 N. Thomas Walkington, *Coll. Nov.*
 William Fraunces, *Coll. Mert.*
 1443 John Tristroppe, *Coll. Linc.*
 Thomas Chaundler, *Coll. Nov.*
 1444 John Tristroppe, *Coll. Linc.*
 N. William Moreton, *Coll. Bal.*
 1445 S. Thomas Copleston, *Coll. Ex.*
 William Snareston, *Coll. Nov.*
 1446 William Lambton, *Coll. Bal.*
 John Gygur, *Coll. Mert.*
 1447 Walter Bale, *Coll. Linc.*
 S. John Baker, *Coll. Nov.*
 1448 N. Henry Meoles
 S. John Wade, *Coll. Mert.*
 1449 N. William Daniel, *Coll. Un.*
 S. Richard Lake, *Coll. Bal.*
 1450 N. Wookstan Brown, *Coll. Un.*
 William Ketill, *Coll. Linc.*
 1451 Thomas Balsfall, *Coll. Mert.*
 N. John Ekys, *Coll. Magd.*
 1452 S. Thomas Reynolds, *Coll. Ex.*
 John Yonge, *Coll. Mert.*
 1453 John Seymoure, *Coll. All-S.*

- Thomas Becket
 1454 Robert Norman
 John Marshall, *Coll. Mert.*
 1455 Walter Windfore, *Coll. Ex.*
 John Brether, *Coll. All-S.*
 1456 Robert Abdy, *Coll. Bal.*
 Thomas Wodehill
 1457 Thomas Bemley
 Martin Joyner, *Coll. Nov.*
 1458 John Molineux, *Braz. Hall*
 Stephen Bereworth, *Coll. All-S.*
 1459 Thomas Lee, *Edmund Hall*
 Robert Elyot, *Coll. All-S.*
 1460 Thomas Purveyor
 S. John Morne, *Coll. Nov.*
 1461 N. John Thorpe, *Coll. Linc.*
 Thomas Proctor, *Coll. All-S.*
 1462 Richard Dobbys
 S. Walter Hill, *Coll. Nov.*
 1463 N. William Corte, *Coll. Bal.*
 Thomas Pawnton, *Coll. Linc.*
 1464 John Payntour, *Coll. Merc.*
 Thomas Ganne, *Coll. Linc.*
 1465 William Whytwey, *Coll. Nov.*
 S. Thomas Proctor
 1466 N. William Appylby, *Coll. Bal.*
 Richard Bernard, *Coll. Ex.*
 1467 William Sutton, *Coll. Un.*
 S. John Harrow, *Coll. Ex.*
 1468 N. Nic. Langton, *Coll. Linc.*
 Richard Mayhew, *Coll. Nov.*
 1469 George Strangwich, *Coll. Linc.*
 S. William Brew, *Coll. Ex.*
 1470 N. Thomas Beston
 Nic. Good, *Coll. Magd.*
 1471 Richard Davis
 William Major, *Coll. Ex.*
 1472 John Acherley, *Coll. All-S.*

- S. Richard Fitzjames, *Coll. Mert.*
 1473 N. John Netylton
 Richard Bradeleghe, *Coll. Ex.*
 1474 Richard Estmonde
 William Bethum, *Coll. Lips.*
 1475 Maur. Berthram, *Coll. Mert.*
 John Bettys, *Coll. All-S.*
 1476 William Southworth, *Coll. Bal.*
 Roger Hanley
 1477 Thomas Parmenter, *Coll. Mert.*
 S. Jeoff. Simeon, *Coll. New.*
 1478 N. David Ireland, *Coll. Magd.*
 Robert Gosborne, *Coll. Mert.*
 1479 John Forster, *Coll. Univ.*
 Nic. Halswell, *Coll. All-S.*
 1480 John Martin, *Coll. Magd.*
 S. William Porter
 1481 N. Ralph Hamsterley, *Coll. Mert.*
 S. Thomas Karvour, *Coll. Magd.*
 1482 N. Ralph Stanhope, *Coll. Ex.*
 James Babbe, *Coll. Ex.*
 1483 Robert Lathys, *Coll. Reg.*
 Richard Trappe, *Coll. New.*
 1484 William Croft, *Coll. Magd.*
 Smyth
 1485 Inglyflet
 S. Edmund Frowceter, *Coll. Magd.*
 1486 N. Robert Arden, *Coll. Mert.*
 John Hobille, *Coll. New.*
 1487 William Bokkyng
 John Husey or Hosey, *Coll. Magd.*
 1488 Peter Casely, *Coll. Ex.*
 William Hewster, *Coll. Magd.*
 1489 Robert Boorton, *Coll. Mert.*
 John North, *Coll. Magd.*
 1490 Robert Wykys, *Coll. New.*
 S. John Wythers, *Coll. Magd.*
 1491 N. Thomas Hobbys, *Coll. All-S.*

- John Davys, *Coll. Mert.*
 1492 William Lambton
 John Jolliff, *Coll. Ex.*
 1493 Richard Barningham, *Coll. Bal.*
 Anthony Fisher, *Coll. Magd.*
 1494 Robert Dale, *Coll. Mert.*
 William Hafard, *Coll. Magd.*
 1495 William Marbyll
 S. Rowland Philips, *Coll. Or.*
 1496 N. Thomas Cracynthorpe, *Coll. Reg.*
 Thomas Drax, *Coll. Linc.*
 1497 Richard Sydnore, *Coll. Magd.*
 S. Hugh Brussey, *White-Hall*
 1498 N. John Lethome, *Coll. Un.*
 Hugh Brussey
 1499 Richard Halse
 Edward Darbey, *Coll. Linc.*
 1500 Thomas Claydon, *Coll. Nov.*
 S. John Game, *Coll. All-S.*
 1501 N. William Dale
 N. Hugh Hawarden, *Braz. Hall*
 1502 S. John Matson, *Coll. Mert.*
 N. John Stokesley, *Coll. Magd.*
 1503 S. Richard Dudley, *Coll. Or.*
 N. Laurence Stubbs, *Coll. Magd.*
 1504 S. John Beverston, *Coll. Mert.*
 N. William Patenson, *Coll. Reg.*
 1505 S. John Goulde, *Coll. Magd.*
 N. Edward Colyar, *Coll. Un.*
 1506 S. Richard Stokes, *Coll. Magd.*
 John Lane, *Coll. Nov.*
 1507 William Thompson, *Coll. Univ.*
 S. Robert Carter, *Coll. Magd.*
 1508 N. Row. Messynger
 Thomas Eritage, *Coll. Or.*
 1509 Richard Ducke, *Coll. Ex.*
 John Burges, *Coll. Magd.*
 1510 John Hewys, *Coll. Mert.*

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- 1511 S. John Brooke, *Coll. Or.*
 N. Thomas Sotherne
 S. Thomas Pulton, *Coll. Nov.*
 1512 N. Richard Symonds, *Coll. Mert.*
 S. Thomas Mede, *Coll. Ex.*
 1513 N. Thomas Hobson, *Coll. Univ.*
 Leo. Huchinson, *Coll. Ball.*
 1514 Thomas Ware, *Coll. Or.*
 John Cottysford, *Coll. Linc.*
 1515 William Foffey, *Coll. All-S.*
 Richard Walker, *Coll. Mert.*
 1516 Edmund Grey, *Coll. Nov.*
 Thomas Irish, *Coll. Ex.*
 1517 Thomas Musgrave, *Coll. Mert.*
 John Stevins, *Coll. Or.*
 1518 Roger Dingley, *Coll. All-S.*
 S. Thomas Flowre, *Coll. Linc.*
 1519 N. Thomas Alyn, *Coll. Braz.*
 N. John Booth, *Coll. Braz.*
 1520 S. George Croftys, *Coll. Or.*
 N. Henry Tyndale, *Coll. Mert.*
 1521 S. John Wylde
 Thomas Canner, *Coll. Magd.*
 1522 Richard Crispyne, *Coll. Or.*
 Thomas Canner
 1523 Edmund Campion
 Edward Leighton, *Coll. Card.*
 1524 Philip Bale, *Coll. Ex.*
 Anthony Sutton, *Coll. Magd.*
 1525 John Tuckar, *Coll. Card.*
 Simon Ball, *Coll. Mert.*
 1526 Thomas Byrton, *Coll. Card.*
 Arthur Cole, *Coll. Magd.*
 1527 Richard Lorgan, *Coll. Or.*
 John Bellitory, *Coll. Mert.*
 1528 Walter Bocklar, *Coll. Card.*
 John Warner, *Coll. All-S.*
 1529 Thomas Duke, *Coll. Nov.*

- 1530 The same,
 John Pollard
 1531 George Cottys, *Coll. Magd.*
 Thomas Selwode, *Coll. Nov.*
 1532 William Pedyll, *Coll. Mert.*
 John Pekyns, *Coll. Exon.*
 1533 Owen Oglethorp, *Coll. Magd.*
 Dunstan Lacy, *Coll. Line.*
 1534 John Howell, *Coll. All-S.*
 Edmund Shether, *Coll. All-S.*
 1535 John Pollet
 William Wetherton, *Coll. All-S.*
 1536 William Pye, *Coll. Or.*
 Hugh Weston, *Coll. Line.*
 1537 Thomas Knyght, *Coll. Nov.*
 Richard Arderne, *Coll. Magd.*
 1538 Thomas Roberts, *Coll. Or.*
 N. William Smyth, *Coll. Braz.*
 1539 S. John Stoyt, *Coll. Mert.*
 N. Lewis Reynolds, *Coll. Magd.*
 1540 S. John Man, *Coll. Nov.*
 Roger Brommold, *Coll. Nov.*
 1541 John Wyman, *Coll. Magd.*
 John Estwyke, *Coll. Mert.*
 1542 William Pye, *Coll. Or.*
 1543 The same again.
 Nicholas Atambrygge, *Coll. All-S.*
 1544 William Smyth, *Coll. Braz.*
 John Stoyt
 1545 Simon Parret, *Coll. Magd.*
 John Smyth, *Coll. Or.*
 1546 Simon Parret
 Edmund Crispyn, *Coll. Or.*
 1547 Henry Baylie, *Coll. Nov.*
 John Redman, *Coll. Magd.*
 1548 Thomas Simonds, *Coll. Mert.*
 Leo. Lyngham, *Coll. Ex.*
 1549 Richard Hughes, *Coll. Magd.*

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- Roger Elyott, *Coll. All-S.*
 1550 Thomas Fryde, *Coll. Nov.*
 William Martial, *Coll. Mart.*
 1551 Peter Rogers, *Ch. Ch. Coll.*
 Thomas Spencer, *Ch. Ch. Coll.*
 1552 Maur. Bullock, *Coll. Nov.*
 1553 The same again
 Thomas Coveney, *Coll. Magd.*
 1554 Christopher Hargreve, *Coll. Lane.*
 William Northfolke, *Coll. Ch.*
 1555 James Gervys, *Coll. Mart.*
 Henry Wotton, *Ch. Ch. Coll.*
 1556 Thomas Davys, *Coll. Nov.*
 Francis Babyngton, *Coll. All-S.*
 1557 William Alyn, Sr. *Mary Hall*
 Alan Cope
 1558 Walter Bayle
 John Daye, *Coll. Magd.*
 1559 Edward Bramborow, *Coll. Nov.*
 Thomas Lench, *Ch. Ch. Coll.*
 1560 Thomas Scot, *Coll. Trin.*
 Oliver Wythynghon, *Coll. Brax.*
 1561 Humphrey Hall, *Coll. All-S.*
 Roger Marbeck, *Ch. Ch. Coll.*
 1562 Roger Gyfford, *Coll. Mart.*
 Thomas Walley, *Ch. Ch. Coll.*
 1563 Roger Gyfford, *Coll. Mart.*
 Roger Marbeck, *Ch. Ch. Coll.*
 1564 John Watkins, *Coll. All-S.*
 Thomas Garbrand, *Coll. Magd.*
 1565 John Merick, *Coll. Nov.*
 William Leech, *Coll. Brax.*
 1566 William Stocker, *Coll. All-S.*
 Adam Squire, *Coll. Bat.*
 1567 Henry Buft, *Coll. Magd.*
 1568 James Charnock, *Coll. Brax.*
 Edmund Campion, *Coll. St. John*

- 1569 John Bereblock, *Coll. Ex.*
 John Bodley, *Coll. Mert.*
 Arthur Atye, *Coll. Mert.*
 1570 Thomas Glasfer, *Ch. Ch. Coll.*
 Anthony Blencow, *Coll. Or.*
 1571 Edmund Fleetwood, *Coll. Mert.*
 1572 The same again.
 John Tatham, *Coll. Mert.*
 1573 Edmund Lillie, *Coll. Magd.*
 John Bust, *Ch. Ch. Coll.*
 1574 Richard Barry, *Coll. Or.*
 John Underhill, *Coll. Nov.*
 1575 Henry Saville, *Coll. Mert.*
 1576 The same again.
 John Glover, *Ch. Ch. Coll.*
 1577 Thomas Dotchen, *Coll. Magd.*
 Ralph Smyth, *Coll. Magd.*
 1578 Clement Colmer, *Coll. Brax.*
 William Zouch, *Ch. Ch. Coll.*
 1579 Isaac Upton, *Coll. Magd.*
 Robert Crayne, *Coll. Bal.*
 1580 Thomas Stone, *Ch. Ch. Coll.*
 Robert Crayne
 1581 Richard Madock, *Coll. All-S.*
 Robert Cooke, *Coll. Brax.*
 1582 John Browne, *Ch. Ch. Coll.*
 Thomas Leyson, *Coll. Nov.*
 1583 Richard Eedes, *Ch. Ch. Coll.*
 Thomas Smyth, *Ch. Ch. Coll.*
 1584 Richard Mercer, *Coll. Ex.*
 Thomas Singleton, *Coll. Brax.*
 1585 John Bennet, *Ch. Ch. Coll.*
 1586 William Watkinson, *Ch. Ch. Coll.*
 Giles Thomson, *Coll. All-S.*
 George Dale, *Coll. Or.*
 1587 John Harmar, *Coll. Nov.*
 1588 Thomas Ravys, *Ch. Ch. Coll.*
 Mat. Gwynne, *Coll. St. John*

- 1589 John Harding, *Coll. Magd.*
 John King, *Ch. Ch. Coll.*
 Gasper Colmer, *Coll. Mert.*
 1590 John Eveligh, *Coll. Ex.*
 Rich. Braunche, *Ch. Ch. Coll.*
 1591 John Lloyde, *Coll. Nov.*
 Thomas Saville, *Coll. Mert.*
 1592 Ralph Winwood, *Coll. Magd.*
 William Awbrie, *Ch. Ch. Coll.*
 1593 Rich. Lateware, *Coll. St. John's*
 Hen. Foster, *Coll. Braz.*
 1594 Henry Cusse, *Coll. Mert.*
 Robert Tynley, *Coll. Magd.*
 1595 William Pritchard, *Ch. Ch. Coll.*
 Abel Gower, *Coll. Or.*
 1596 Rowl. Searchfield, *Coll. S. John*
 John Parkhurst, *Coll. Magd.*
 1597 Richard Trafford, *Coll. Mert.*
 Edward Gee, *Coll. Braz.*
 1598 Henry Belyngham, *Coll. Nov.*
 William Osbourne, *Coll. All-S.*
 1599 Francis Sydney, *Ch. Ch. Coll.*
 Nicolas Langford, *Ch. Ch. Coll.*
 1600 Laur. Humphrey, *Coll. Magd.*
 George Benson, *Coll. Reg.*
 1601 Gerard Maffey, *Coll. Braz.*
 Daniel Pury, *Coll. Magd.*
 1602 Walter Bennet, *Coll. Nov.*
 Christopher Dale, *Coll. Mert.*
 1603 William Laud, *Coll. St. John's*
 William Ballow, *Ch. Ch. Coll.*
 1604 George Darrell, *Coll. All-Souls*
 Richard Fitzherbert, *Coll. Nov.*
 1605 John Hanmer, *Coll. All-Souls*
 Simon Baskerville, *Coll. Ex.*
 1606 James Mabbe, *Coll. Magd.*
 Nath. Brent, *Coll. Mert.*
 1607 John Tolson, *Coll. Or.*

- 1608 Edward Underhill, *Coll. Magd.*
 John Hamden, *Coll. Ch. Ch.*
 Charles Greenwood, *Coll. Un.*
 1609 John Flemming, *Coll. Exon.*
 Robert Pynke, *Coll. Nov.*
 1610 Sam. Radcliffe, *Coll. Brax.*
 Norwych Spakeman, *Ch. Ch. Coll.*
 1611 John Dunster, *Coll. Magd.*
 Thomas Seller, *Coll. Trin.*
 1612 Richard Corbet, *Ch. Ch. Coll.*
 Anthony Richardson, *Coll. Reg.*
 1613 Vincent Goddard, *Coll. Magd.*
 Jenkins Vaughan, *Coll. All-Souls*
 1614 Samuel Fell, *Ch. Ch. Coll.*
 Hugh Dyke, *Coll. Brax.*
 1615 Richard Baylie, *Coll. St. John's*
 Robert Sanderson, *Coll. Lincolns.*
 1616 Charles Crook, *Ch. Ch. Coll.*
 Francis Grevill, *Coll. Mert.*
 1617 John Harris, *Coll. Nov.*
 Daniel Ingoll, *Coll. Reg.*
 1618 John Drope, *Coll. Magd.*
 Christopher Wren, *Coll. St. John's*
 1619 Brian Duppa, *Coll. All-Souls*
 Matthew Osbourne, *Coll. Wadham*
 1620 Samuel Smyth, *Coll. Magd.*
 Matthias Style, *Coll. Ex.*
 1621 Nicholas Baylie, *Ch. Ch. Coll.*
 Griffin Higgs, *Coll. Mert.*
 1622 Richard Steward, *Coll. All-Souls*
 John Smyth, *Coll. Magd.*
 1623 William Oldis, *Coll. Nov.*
 Daniel Escote, *Wadh. Coll.*
 1624 Richard Hill, *Coll. Brax.*
 Nicholas Brooks, *Coll. Or.*
 1625 Samuel Marsh, *Coll. Trin.*
 1626 Hopton Sidenham, *Coll. Magd.*
 Dennis Prideaux, *Coll. Ex.*

- 627 Hugh Halfwell, *Coll. All-Souls*
 Francis Hyde, *Ch. Ch. Coll.*
 628 Robert Williamson, *Coll. Magd.*
 Robert Lloyd, *Coll. Jesus*
 John Atkinson, *Coll. St. John's*
 629 William Strode, *Ch. Ch. Coll.*
 Ralph Austen, *Coll. Magd.*
 630 Hen. Stringer, *Coll. Nov.*
 Atherton Bruche, *Coll. Brax.*
 631 John Doughty, *Coll. Mert.*
 Richard Chaworth, *Ch. Ch. Coll.*
 632 John Meredith, *Coll. All-Souls*
 Thomas Whyte, *C. C. Coll.*
 633 Freeman Page, *Coll. Ex.*
 Herbert Pelham, *Coll. Magd.*
 634 John Warren, *Coll. Wadh.*
 John Edwards, *Coll. St. John's*
 635 Guy Carleton, *Coll. Reg.*
 Thomas Browne, *Ch. Ch. Coll.*
 636 John Good, *Coll. Nov.*
 Dan. Lawford, *Coll. Or.*
 637 John Gliffon, *Coll. Trin.*
 Edw. Corbet, *Coll. Mert.*
 638 John Nicholson, *Coll. Magd.*
 Edward Fulham, *Ch. Ch. Coll.*
 639 Rob. Heywood, *Coll. Brax.*
 Peter Allibond, *Coll. Line.*
 640 Nicholas Greaves, *Coll. All-Souls*
 Baldwyn Acland, *Coll. Ex.*
 641 Abraham Woodhead, *Coll. Un.*
 Edward Young, *Coll. Nov.*
 642 Tristram Sugg, *Coll. Wadh.*
 George Wake, *Coll. Magd.*
 643 Will. Cartwright, *Ch. Ch. Coll.*
 William Creed, *Coll. St. John's*
 644 Fm. Broad, *Coll. Mert.*
 Charles Whear, *Glouc. Hall*
 645 John Michell, *Coll. Bal.*

- Richard Wyat, *Coll. Or.*
 1646 Byrom Eaton, *Coll. Braz.*
 Rob. Waring, *Ch. Ch. Coll.*
 1647 Henry Hunt, *Coll. Magd.*
 Joshua Crosse, *Coll. Linc.*
 1648 Ralph Button, *Coll. Mert.*
 John Mauditt, *Coll. Exon.*
 1649 Jerom Zanchy, *Coll. All-Souls*
 Gratian Owen, *Coll. Lincoln.*
 1650 Phillip Stephens, *Coll. Nov.*
 Matthew Unit, *Coll. Trin.*
 1651 Samuel Lee, *Coll. Wadh.*
 Francis Howel, *Coll. Ex.*
 1652 Peter Jarsey, *Coll. Pembr.*
 Phillip Ward, *Ch. Ch. Coll.*
 1653 George Gorges, *Coll. St. John's*
 Thomas Cracroft, *Coll. Magd.*
 1654 Stephen Charnock, *Coll. Nov.*
 Samuel Bruen, *Coll. Braz.*
 1655 Edward a Wood, *Coll. Mert.*
 Edward Littleton, *Coll. All-Souls*
 1656 William Carpenter, *Ch. Ch. Coll.*
 Samuel Byfield, *C. C. Coll.*
 1657 Sam. Conant, *Coll. Ex.*
 George Porter, *Coll. Magd.*
 1658 Walt. Pope, *Coll. Wadh.*
 George Phillips, *Coll. Reg.*
 1659 Thomas Wyat, *Coll. St. John's*
 Thomas Tanner, *Coll. Nov.*
 1660 John Dod, *Ch. Ch. Coll.*
 Nic. Meese, *Coll. Trin.*
 1661 Henry Hawley, *Coll. Or.*
 Tho. Frankland, *Coll. Braz.*
 1662 Henry Bold, *Ch. Ch. Coll.*
 Nath. Crew, *Coll. Linc.*
 1663 Thomas Tomkyns, *Coll. All-Souls*
 John Hearne, *Coll. Exon.*
 1664 William Shippen, *Coll. Un.*

- Phineas Bury, *Coll. Wadh.*
 1665 David Thomas, *Coll. Nov.*
 Nath. Hodges, *Ch. Ch. Coll.*
 1666 Walter Baylie, *Coll. Magd.*
 George Roberts, *Coll. Mert.*
 1667 Edward Bernard, *Coll. St. John's.*
 Richard Whyte, *St. Mary Hall*
 1668 William Durham, *Coll. Trin.*
 Nath. Alsop, *Coll. Braz.*
 1669 James Davenant, *Coll. Or.*
 Alex. Pudsey, *Coll. Magd.*
 1670 Henry Smyth, *Ch. Ch. Coll.*
 John Herfent, *Coll. Nov.*
 1671 Alan Garr, *Coll. All-Souls*
 George Verman, *Coll. Exon.*
 1672 Thomas Croftwaite, *Coll. Reg.*
 Abraham Campion, *Coll. Trin.*
 1673 Nath. Salter, *Coll. Wadh.*
 William Frampton, *Coll. Pemb.*
 1674 Thomas Huxley, *Coll. Jesus*
 John Jones, *Ch. Ch. Coll.*
 1675 Edward Wayte, *Coll. St. John*
 Bapt. Levintz, *Coll. Magd.*
 1676 Nath. Pelham, *Coll. Nov.*
 Nath. Wight, *Coll. Mert.*
 1677 Richard Warburton, *Coll. Braz.*
 James Hulet, *Ch. Ch. Coll.*
 1678 John Clerk, *Coll. All-Souls*
 Samuel Norris, *C. C. Coll.*
 1679 Hugh Barrow, *Coll. Ex.*
 Charles Hawles, *Coll. Magd.*
 1680 Rob. Balche, *Coll. Wadh.*
 John Halton, *Coll. Reg.*
 1681 Rich. Oliver, *Coll. St. John*
 Roger Altham, *Ch. Ch. Coll.*
 1682 William Dingley, *Coll. Nov.*
 Henry Gandy, *Coll. Or.*
 1683 Arthur Charlet, *Coll. Trin.*

- 1684 John Massey, *Coll. Mert.*
 Phil. Clerk, *Coll. Magd.*
 1685 William Breach, *Ch. Ch. Coll.*
 Thomas Smith, *Coll. Braz.*
 1686 Edward Hopkins, *Coll. Linc.*
 John Walrond, *Coll. All-S.*
 Thomas Bennet, *Coll. Univer.*
 1687 John Harris, *Coll. Ex.*
 Thomas Dunster, *Coll. Wadh.*
 1688 William Christmas, *Coll. Nov.*
 William Cradocke, *Coll. Magd.*
 1689 Thomas Newey, *Ch. Ch. Coll.*
 Francis Browne, *Coll. Mert.*
 1690 Francis Bernard, *Coll. St. John*
 Christopher Wase, *C. C. Coll.*
 1691 † James Gawyllym } *Coll. Bal.*
 Adam Lugg, }
 Benjamin Browne, *Coll. Braz.*
 1692 William Walker, *Coll. Or.*
 Roger Altham, *Ch. Ch. Coll.*
 1693 Richard Vesfy, *Coll. Magd.*
 Gabriel Barnaby, *Coll. Nov.*
 1694 Stephen Napleton, *Coll. All-S.*
 John Bagwell, *Coll. Ex.*
 1695 John Waugh, *Coll. Reg.*
 Henry Edmonds, *Coll. Trin.*
 1696 William Baker, *Coll. Wadb.*
 Charles Sloper, *Coll. Pemb.*
 1697 Griffith Davis, *Coll. Jesus*
 Edward Lilly, *Coll. St. John*
 1698 Robert Friend, *Ch. Ch. Coll.*
 Richard Watkins, *Coll. Magd.*
 1699 Thomas Mompeyson, *Coll. Nov.*
 John Holland, *Coll. Mert.*
 1700 William Thompson, *Coll. Braz.*
 Richard Coleire, *Coll. All-S.*
 1701 John Pelling, *Ch. Ch. Coll.*

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- John Cook, *Coll. Ex.*
1702 Edm. Perks, *C. C. Coll.*
Samuel Adams, *Coll. Magd.*
1703 John Eyans, *Coll. Wadh.*
Joseph Smith, *Coll. Reg.*
1704 Thomas Smith, *Coll. S. John*
Brune Bickley, *Coll. Nov.*
1705 Peter Foulkes, *Ch. Ch. Coll.*
George Carter, *Coll. Or.*
1706 Edward Cranke, *Coll. Trin.*
William Turton, *Coll. Magd.*
1707 Henry Stephens, *Coll. Mert.*
James Smethurst, *Coll. Braz.*
1708 Thomas Terry, *Ch. Ch. Coll.*
Robert Adderly, *Coll. All-S.*
1709 William Vesey, *Coll. Linc.*
William Denison, *Coll. Un.*
1710 William Williams, *Coll. Ex.*
William Bradshaw, *Coll. Nov.*
1711 Thomas Girdler, *Coll. Wadh.*
Seth Eyre, *Coll. Magd.*
1712 William Periam, *Ch. Ch. Coll.*
Henry Byne, *Coll. Mert.*
1713 Edward Mosse, *Coll. St. John.*
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Royal Professors in Divinity.

1535	R ich. Smyth, <i>S.T.P.</i>	1642	Rob. Sanderson, <i>S.T.P.</i>
1548	Peter Martyr, <i>S. T. P.</i>	1648	Rob. Crosse, <i>S. T. P.</i>
1554	Richard Smyth <i>again</i>	1648	Joshuah Hoyle, <i>S.T.P.</i>
1556	Johannes Fraterculus	1654	John Conant, <i>S.T.P.</i>
1559	Idem Smyth	1660	Sanderson <i>restored.</i>
1560	Laurence Humphrey	1661	Will. Creed, <i>S.T.P.</i>
1589	Thomas Holland	1662	Rich. Allestree, <i>S.T.P.</i>
1612	Robert Abbot, <i>S.T.P.</i>	1680	William Jane, <i>S.T.P.</i>
1615	John Prideaux, <i>S.T.P.</i>	1708	John Potter, <i>S. T. P.</i>

Royal Hebrew Professors.

	T homas Harding, <i>A. M.</i>	1604	John Harding <i>again</i>
1548	Rich. Bruerne, <i>S.T.B.</i>	1610	Richard Kilbye, <i>S.T.P.</i>
1559	Thomas Neale, <i>S.T.B.</i>	1620	Edw. Meetkirk, <i>S.T.B.</i>
1569	Tho. Kingsmill, <i>A.M.</i>	1626	John Morris, <i>S.T.B.</i>
1591	John Harding, <i>S. T. B.</i>	1648	Edward Pocock, <i>S.T.P.</i>
1599	William Thorn, <i>A.M.</i>	1695	Thomas Hyde, <i>S.T.P.</i>
		1702	Roger Altham, <i>S.T.P.</i>

Royal Greek Professors.

	N ich. Harpsfield	1622	John South
	Geo. Etheridge	1625	Henry Stringer
	Giles Lawrence	1650	John Harmer
1552	George Etheridge	1660	Jos. Crowther
1559	Giles Lawrence	1665	William Levintz
1585	John Harnar	1698	Humphry Hody
1590	Henry Cuffe	1705	Thomas Mills
1597	John Perin	1707	Edward Thwaites
1612	John Hales	1712	Tho. Terry.
1619	John Harris		

Royal Professors of Civil Law.

1553	J ohn Storey, <i>L.L.B.</i>	1587	Albericus Gentilis
	William Awbrey, <i>L.L.D.</i>	1591	John Budden, <i>L.L.D.</i>
1554	William Mosse, <i>L.L.D.</i>	1620	Rich. Zouch, <i>L.L.D.</i>
1558	John Griffith, <i>L.L.D.</i>	1661	Giles Sweite, <i>L.L.D.</i>
1565	Robert Loffer, <i>L.L.D.</i>	1672	Tho. Bouchier, <i>L.L.D.</i>
1577	Griffin Lloyd, <i>L.L.D.</i>	1712	Jam. Bouchier, <i>L.L.D.</i>

Royal Professors in Physick.

1554	J ohn Warner	1647	Sir Thomas Clayton, M. D.
1561	Th. Francis, M.D.	1665	James Hyde, M. D.
1582	Walt. Baily, M. B.		John Luffe, M. D.
1597	Anth. Aylworth, M.D.	1697	Thomas Hoy, M. D.
1611	Barth. Warner, M.D.		
	Tho. Clayton, M. D.		

Margaret Professors.

1497	E dmond Wylsford, <i>S. T. P.</i>	1567	Edw. Cradocke, <i>S.T.B.</i>
1502	John Roper, <i>S. T. B.</i>	1594	John Williams, <i>S.T.B.</i>
	John Kynton, <i>S.T.P.</i>	1613	Sebast. Benefield, <i>S.T.P.</i>
1530	Wm Mortimer, <i>S.T.P.</i>	1626	Sam. Fell, <i>S. T. P.</i>
1540	Hugh Weston, <i>S.T.P.</i>	1637	Tho. Laurence, <i>S.T.P.</i>
	Christopher Goodman	1648	Fran. Cheynell, <i>S. T. B.</i>
	John Smyth	1652	Hen. Wilkinfon, <i>S.T.P.</i>
1560	Fr. Babington, <i>S.T.P.</i>	1660	Tho. Barlow, <i>S.T.P.</i>
1562	Herbert Westwhaling, <i>S. T. P.</i>	1676	John Hall, <i>S.T.P.</i>
1563	James Calf-hill, <i>S.T.B.</i>	1691	Hen. Maurice, <i>S.T.P.</i>
		1691	Tho. Sykes, <i>S. T. P.</i>
		1705	John Wynn, <i>S. T. P.</i>

Geometry Professors.

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|------|----------|-------------------------------|------|------------------------------|
| 1619 | H | En. Briggs, <i>A.M.</i> | 1649 | John Wallis, <i>S. T. P.</i> |
| 1630 | | Peter Turner,
<i>M. D.</i> | 1703 | Edm. Halley, <i>LL.D.</i> |

Astronomy Professors.

- | | | | | |
|------|----------|----------------------------------|------|----------------------------|
| 1620 | J | John Bainbridge,
<i>M. D.</i> | 1673 | Edward Bernard |
| 1643 | | John Greaves, <i>A. M.</i> | 1691 | David Gregory, <i>M.D.</i> |
| 1648 | | Seth Ward | 1708 | John Carswell, <i>A.M.</i> |
| 1660 | | Sir Chr. Wren, <i>LL.D.</i> | 1712 | John Keil, <i>M. D.</i> |

Professors of Natural Philosophy.

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|------|----------|---------------------------------|-------------------|-----------------------------|
| 1618 | E | Edward Lapworth,
<i>A.M.</i> | 1675 | Tho. Willis, <i>M. D.</i> |
| 1636 | | John Edwards, <i>M. D.</i> | 1660 | Sir Tho. Millington |
| 1648 | | Joshua Croffe, <i>A. M.</i> | 170 $\frac{1}{2}$ | James Farrer, <i>S.T.P.</i> |

Moral Philosophy Lecturers.

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|------|----------|----------------------------------|------|------------------------------|
| 1621 | W | Ill. Price, <i>A. M.</i> | 1668 | Nath. Hodges, <i>A. M.</i> |
| 1629 | | Thomas Bal-
low, <i>A. M.</i> | 1673 | Abra. Campion, <i>A.M.</i> |
| 1633 | | Edw. Fulham, <i>A. M.</i> | 1677 | Baptist Levintz, <i>A.M.</i> |
| 1638 | | George Gisby, <i>A. M.</i> | 1683 | Will. Halton, <i>A.M.</i> |
| 1643 | | Joh. Berkenhead, <i>A.M.</i> | 1687 | John Bernard, <i>A.M.</i> |
| 1648 | | Edw. Copley, <i>A.M.</i> | 1688 | Will. Christmas, <i>A.M.</i> |
| 1648 | | Hen. Wilkinton, <i>S.T.B.</i> | 1693 | Rog. Altham, <i>A.M.</i> |
| 1654 | | Fran. Howell, <i>A.M.</i> | 1698 | Edw. Lilly, <i>A. M.</i> |
| 1657 | | Will. Carpender, <i>A.M.</i> | 1703 | Sam. Adams, <i>A. M.</i> |
| 1660 | | Fran. Balmer, <i>A.M.</i> | 1708 | Edw. Thwaites, <i>A.M.</i> |
| 1664 | | Andrew Crispe, <i>A.M.</i> | 1711 | Tho. Girdler, <i>A. M.</i> |

History Professors.

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|------|----------------------------------|------|-----------------------------|
| 1622 | D Eg. Wheare, <i>A.M.</i> | 1660 | John Lamphire, <i>M.D.</i> |
| 1647 | Robert Wharing, <i>A.M.</i> | 1689 | Hen. Dodwell, <i>A.M.</i> |
| 1648 | Lew. du Moulin, <i>M.D.</i> | 1691 | Cha. Aldworth, <i>LL.D.</i> |

Anatomy Professors.

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|------|--------------------------------------|------|---------------------------|
| 1624 | T Thomas Clayton, <i>M.D.</i> | 1661 | James Hyde, <i>M.D.</i> |
| 1647 | Tho. Clayton, <i>M.D.</i> | 1666 | John Parys, <i>M.D.</i> |
| 1650 | William Petty, <i>M.D.</i> | 1669 | Tho. Jeamson, <i>M.D.</i> |
| | | | Steph. Frye, <i>M.D.</i> |

Arabick Professors.

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|------|------------------------------------|
| 1636 | E Dw. Pocock, <i>S.T.P.</i> |
| | Edward Bernard |
| 1698 | John Wallis, <i>A.M.</i> |

C H A P. VI.

The Method of Proceedings in the Chancellor's Court.

IT having been before observed, that the Chancellor's Court of the University of Oxford, or (as commonly called) the Vice-Chancellor's Court, is a Court of great Antiquity, founded on Prescription and immemorial Custom; I will not here endeavour to trace the Beginning of its Jurisdiction, which (no doubt) was coeval with the University it self, and in Extent of Cognizance reaching to Matters of Equity as well as Law, as it has been frequently adjudged in the Courts at *Westminster*: And therefore I shall rather chuse to confine my self to the known Practice thereof, or (at least) to what ought to be the Method of its Proceeding, according to the Course of the *Civil* and *Canon* Laws, in Conformity with the Statutes of the University, and the Municipal Laws of the Realm, which surely ought to be always regarded, than presume to meddle with its Antiquity.

For the dispatch of Causes of greater moment herein controverted, this Court is held (at least) once a Week in Term-time, and in the Vacation too at the Vice-Chancellor's Pleasure, *viz.* every Friday in the Afternoon at the *Apodyterium*, or at any other Place to be assign'd by the University, over which the Vice-Chancellor presides as Judge, assisted with the two Proctors of the University (if they will attend) and also by an Assessor of his own Nomination and Appointment, who ought to be some Doctor or

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Batchelor of Laws, sufficiently able to direct and instruct him in the whole Order and Method of Judicial Proceedings; and as he supplies the Vice-Chancellor's Absence, (which ought to be very seldom) all Acts of Court are then sped and insinuated in his Name.

It has been already said, that in the two Universities they hold Pleas by Custom and Charters confirmed by Act of Parliament, and proceed according to the Rules of the *Civil* Law in Civil Causes, and of the *Canon* Law in Ecclesiastical Causes: for such Proceedings do best suit with them, inasmuch as these Laws are written in *Latin*, and are there only studied and learnt*. And since by the Course of the *Civil* * *Pasch. 23!* Law, regularly no Debtor or Defendant in a *Car. 1. B. R.* personal Action ought to be arrested and imprisoned on any Civil Action (for a Goal is only a State for Criminals, and a Place of safe Custody) the Defendant first receives a Summons by the Mouth of the Mandatory, or some one of the University Beadles, if he may be found; and if not, then the Mandatory, or the citing Beadle thereupon the next Court-Day makes a Return upon Oath in open Court touching such verbal Summons, by affirming, *the Defendant to have been diligently sought by him on such a Day and in such a Place*; and then on the Plaintiff or his Proctor's Petition, after an Allegation of the Defendant's being diligently sought, the Judge decrees a Citation *viis & modis* for a Re-summons of him; and then if he does not appear on the Return of this Citation into Court; the Judge, upon a Motion at the Plaintiff's Instance, after Oath made by the Mandatory of the due Service thereof, decrees a Warrant to arrest and imprison the Defendant's Body, until he gives an Appearance in Court.

Court, either by himself or his Proctor. And thus, after the Action is entred and register'd by the Actuary, the Foundation and Beginning of all Judicial Proceedings in this Court is by way of *Conventional* Citation or Summons, which is so necessary, that all Proceedings without it are null and void *ab initio*. This kind of Citation is threefold, *viz.* *First*, that which is made by the Mouth of the Mandatory, &c. *Secondly*, by Writing : And *Thirdly*, by an Arrest, which is stiled a *violent* or *real* Citation. A *monitory* Citation is made by the Judge *viva voce* in Court, when he admonishes any Party concern'd in Judgment (*ore proprio*) to appear to some special Matter in the Cause.

A Citation in Writing is both *Primary* and *viva & modis*, and each of these are the Citory Decrees of the Judge in Writing, under the Seal of the Court, with the Judge's Hand-writing to them ; and hereby the Jurisdiction is perpetuated, if it should be afterwards deny'd or called in Question.

These Citations regularly ought to contain the Name of the Judge, the Christian and Surname of the Party cited ; the Matter whereon he is cited ; at whose Instance ; the Day when and Place where he ought to appear ; and lastly in Civil Causes, that he ought to appear by himself or his Proctor well and legally instructed to answer the Plaintiff in his Suit : And all Citations in this Court are peremptory after Contestation of Suit, or (as they say at Common Law) after Issue join'd in the Cause ; and if either of the Parties litigant do then become contumacious, the Judge may proceed in the Cause *in pœnam suæ contumacie*, without any further Citations, or by an Arrest, or by pecuniary Mulcts, or lastly by citing his Stipulator or Bail,

Bail, and pronouncing him to have incurred the Forfeiture of his Stipulation.

Because there may be several Exceptions against a Citation, the Defendant ought therefore to have a Copy of the same left with him; whereby he may learn whether any of the following Objections may be made thereunto, *viz.* The Incompetency of the Judges Jurisdiction; or, that there being more than one Judge, the Citation only runs in the Name of one of them, as in the Court of Delegates; or that the Citation does not express the Action, &c, or is made indeterminately as to Time and Place, &c.

If the Defendant be an Extraneous Person, or one suspected of Flight, or of absconding himself, he may be arrested by a Warrant, without any previous Citation, upon an Allegation of the Plaintiff in Writing, setting forth the Fact, and his Belief of the Truth thereof *in vim juramenti*: And a Person is said to be suspected of Flight, &c. when being immersed in Debt, he is of no Foundation or Society; or being of some Society, has been frequently in Contempt of the Court upon its Summons, &c. But if the Defendant, by concealing or withdrawing himself out of the Jurisdiction of the University, in Fraud of his Creditors, cannot be induc'd to an Appearance by a Citation, or compelled thereunto by a Warrant against his Person; the Judge decrees or grants a Warrant against his Goods, Sums of Money in the Hands of any Person within the University; or the Profits of his Fellowship, Scholarship, Studentship, Canonry, &c. upon the Plaintiffs Suggestion on Oath, touching his Belief of the Premises; that by this Warrant of Distress or Sequestration he may be forced to yield an Appearance. And if he shall not then appear
with-

within the Space of a Year, and find Sureties for his due Attendance on the Court, either by himself or his lawful Proctor, till Sentence pronounc'd in that Cause, his Goods shall be sold, and the Money for them be deliver'd to the Plaintiff in Satisfaction of his Demand ; and if the Goods be perishable, they may be sold by the Judge's Decree sooner, and the Money for them ought to be lodged in the Court, or be put into the Plaintiff's Hands, on his giving Security to refund the same on the Defendant's timely Appearance to try the Cause : And if the Profits of a Fellowship, &c. be under Sequestration, by the Judge's Decree, the Plaintiff shall receive the same upon the like Security given. For after the Defendant has exhibited an Appearance, and put in Stipulation to try the Cause, and satisfy the Judgment of the Court, the Sequestration is relax'd on the Defendant's paying the Expences judicially tax'd.

In all Causes wherein the Matter in controversy exceeds not the Sum of 20 Shillings, the Proceedings ought to be *viva voce*, without any Libel, by a summary Petition, which ought to be heard *grosso modo* by the Defendant's immediate Answer thereunto, and by each Party's instant Production of Witnesses, if such shall be thought necessary on either side ; and on thus hearing the Matter, the Judge gives Sentence by an interlocutory Decree : But if the Matter in dispute be above this Summ, then the Plaintiff exhibits a Libel, and the Judge assigns the Defendant a Term to the next Court to receive a Copy thereof, and to join Issue thereon, if he will contend any further in the Cause. Note, That *Cause*, *Instance* and *Suit* are not the same Thing ; for the Word *Cause* extends it self to the whole Action, as well before as after Contestation

testation of Suit, comprehending both *Litem* and *Instantiam*; whereas the Word Instance only signifies that Part of the Action or Proceeding, which commences the Cause, and advances to Contestation of Suit; and the Word *Lis* or Suit properly signifies all that Part of the Action, which follows from Contestation of Suit to the End of the Cause; and thus properly to *renounce the Instance of a Cause*, is to depart from all the initial Acts of a Cause till Contestation of Suit; *renunciare liti* is to recede from all Proceedings from the Time of Contestation of Suit till the Diffinitive Sentence pronounc'd; and consequently *renunciare Causa* is to renounce all Judicial Acts done in that Cause, and to give up the Cause it self: But this Difference is not so strictly always observ'd among Lawyers, these Terms being often us'd promiscuously for each other.

In Civil Causes either of the Parties may recede from the Instance, Process or Suit, by simply renouncing the same, without the Leave of the Court; but it is otherwise in Criminal Pleas.

After Contestation of Suit, the Parties (if requir'd) take the Oath of Calumny, and the Plaintiff may produce the Defendant (as Party principal) to make Answer upon Oath touching the Contents of the Libel, if he thinks he can be relieved thereby; and if the Defendant does not answer fully and plainly thereunto, he may be compelled to it by an Imprisonment on his second Answer given into Court: And if the Defendant being produc'd shall refuse to answer, he may be taken *pro Confesso*. If the Defendant has any Defensive Plea or Matter to propound, he ought to exhibit the same at the Time he gives in his Answer in Writing; yet all dilatory
Excep-

Exceptions ought to be made before Contestation of Suit, if they shall then come to the Defendant's Knowledge, such as Recusation of the Judge, an Exception to the Plaintiff's Person, Libel, &c. altho' peremptory Exceptions be allow'd till Conclusion of the Cause, that is, until the Judge assigns *ad sententiandum primò*; for properly speaking there is no Conclusion in the Cause, the Proceedings in this Court being in a summary manner; and therefore Replications, Duplications, &c. ought not to be allow'd, which Practice (if observ'd) wou'd render the Proponents the more careful in drawing their Matters, and prevent many tedious Suits.

If the Plaintiff cannot be relieved by the Defendant's personal Answer in Writing, he may pray a Term-probatory to be assign'd him, *viz.* three Court-Days for the Production, Swearing and Examination of his Witnesses; and this Term is common to both Parties for the Proof of all such Pleas as have been exhibited: But in the Production of Witnesses, the Parties producent ought to take care, that they use no Witnesses to their prejudice: for the Deposition of the Producent's Witness will make very strongly against him, and frequently gives a Turn to the Cause. The Defendant is obliged to Proof, when he propounds any Act peremptory and destructive of the Plaintiff's Libel, as *Payment*, an *Acquittance*, a Release or Covenant *de non petendo*, Prescription, &c. Moreover the Defendant is bound to make Proof, when a Presumption or the Common Law is in the Plaintiff's Favour; but in all other Cases the Plaintiff is bound to make Proof of his Intention *libellatè*, on the Defendant's Denial thereof: And this he may do either by Witnesses, or by publick or private Instruments in Writing, or by
Books

Books of Account, Letters, &c. And if he proves nothing, he shall gain nothing by the Sentence; for Proof is the very Life and Soul of all judicial Proceedings, and therefore Caution ought to be observed in framing the same.

Only Facts can be the Object of Proof, for the Law is left to be discussed by the Advocates, and pronounced by the Judge on these Facts: But as Facts impertinent and superfluous, *i. e.* such as are foreign to the Purpose, and neither help or incommode the Cause, ought not to be allow'd of in the Libel, so 'tis not needful to prove them; nor is it necessary to prove Facts known to the Judge, *quatenus* Judge, or such as are confessed by the adverse Party. When both Parties are prepared to produce Witnesses or other Evidence, the Plaintiff, if he pleases, ought to have the Precedence; nor can the Defendant be compelled to a Production, till the Plaintiff has either produc'd or refus'd to produce his Evidence: But on the Plaintiff's Delay, the Defendant may produce it sooner, if he desires Dispatch, the Term-probatory being common (as aforesaid.) The Species of Proof are various, *viz.* By-witnesses, Confession, Letters, Instruments, Schedules, Books, Epitaphs, publick Fame, with a Suppletory Oath, &c. Yet in Criminal Causes, publick Fame alone, without a living Witness, is not sufficient. But the strongest of all Proof next to the adverse Party's Confession, is Proof by the Deposition of Witnesses, regularly made, after Contestation of Suit; for Witnesses cannot be produc'd before Issue joined, unless in some special Cases in our Law-Books remembered; yet if Witnesses are produc'd and examin'd before Contestation of Suit, they ought to be re-examin'd, if they survive or afterwards return home, &c.

Wit-

Witnesses in all *Dilatory*, and in some *Peremptory* Exceptions, are examin'd before Contestation of Suit, and may also be produc'd and examin'd before any Proceedings are begun, when they are examin'd in *perpetuam rei memoriam*, thro' Fear of Death, or long Absence of a Witness, beyond Sea, &c. But Witnesses ought not to offer and present themselves; and if they do, they may be rejected by the Judge as suspected; for they ought to be asked by the Parties, tending them their Journey-Expences, &c. And if they refuse then to appear and give their Depositions, they may be compelled by a Citation and Imprisonment in Civil Causes, and by a Citation and Excommunication in Ecclesiastical Causes: Yet they ought to be produced by the Parties, and not the Judge; but the Judge ought to give them safe and free Access to the Court, and a secure Retreat from thence: And as it is the Judge's Duty to swear them in the Presence of the Adversary (for they are no Witnesses without an Oath) so he may restrain the Number of them produc'd upon any Article or Position (as he shall see fit) above two and under seven.

All Witnesses by the *Civil* and *Canon* Law are examin'd separately and in private, and their Depositions ought to be taken in Writing by the Register of the Court, or some other Notary Publick, in the Presence of the Judge; and they may correct and amend their Depositions, if the Register or Notary does not write them according to their Intention, upon repeating their Evidence. Indeed it has not been usual of late Years in the Chancellor's Court to examine them in the Judge's Presence; but it is much to be wished, that this Practice, as well as the Law herein, were reviv'd, for the greater Honour

nour and Justice of the Court. Witnesses may be examin'd on Holidays, if produc'd and sworn before ; or if within the Time of the Commission, they may be examin'd after the Determination of the Commission.

Instead of sending Articles or Positions (as formerly) to the Judge, for the Examination of Witnesses on them, the Parties producent now give Directions on what Articles or Positions of the Libel, or other Judicial Matter, they would have their respective Witnesses examin'd on : And if the adverse Party will have them cross-examin'd, he exhibits or sends in Interrogatories to be administred to them at the Time of their Examination : But the Party ministrant ought to be very careful, how he forms his Interrogatories, lest they prejudice his Cause. These Interrogatories are never given or communicated to the Party, against whom the Witnesses are produc'd, lest they should induce the Mischief of Subornation or perpetual Hatred to the Witnesses produc'd : And in drawing them great Regard ought to be had to the Persons, Manners, and the Affections of the Witnesses, who ought always to render a conclusive Reason for their Depositions, as that they saw him do so, or heard him say so, &c. else their Testimony is of no Validity. And lastly, Witnesses ought to be examin'd in their own known Mother Tongue ; and if their Depositions taken shall be too general or obscure, &c. they may be requir'd to explain the same.

I shall not here meddle with the various Credit and Authority of Witnesses, it being too large a Field to travel over at present ; and therefore I shall proceed to the Publication of the Depositions, which is done on each side after the Examination of their respective Wit-

nesses or the Term-probatory is elapsed ; when the Judge, at the Parties Petitions, decrees of the same, to reprobate these Depositions, if possible, otherwise to proceed to Sentence after Informations had upon the Merits of the Cause; and then on the second Court-Day from the Publication of Witnesses, the Judge pronounces a Diffinitive Sentence in Writing attested by the Register of the Court and two Witnesses present ; and therefore it ought to be read *altd voce*, otherwise the Register cannot say, it was read, &c.

It is to be noted, That if either of the Parties makes any special Protestation or Exception against the Production, Admission or Swearing of Witnesses, such Protestation or Exception ought to be made *apud alta Curia*, and immediately prov'd (if possible) before such Witnesses are admitted and sworn ; otherwise they may be admitted and sworn, and their Veracity shall depend on the Merits of a general Protestation against their Persons, and the Party protesting shall not be allow'd to give or assign any special Matter afterwards against them : Nor shall he be suffer'd to propound any Plea after the Judge's Assignation *ad sententiandum secundum* ; for 'tis concluded in the Cause, and the Conclusion cannot be rescinded, but in extraordinary Cases, on the Discretion of the Judge, whose Mouth is never shut hereby.

In Informations, which always ought to be in publick Court, for the Honour thereof, and for many other Reasons not so proper here to be given, the Plaintiff's Proctor begins the same with the Libel, and is follow'd by the Defendant's Proctor, according to the Order of the Judicial Process, and then the Depositions are read, first by the Plaintiff, and then by the Defendant,

dant, &c. and then the Advocates (if any remain'd) speak and argue thereon, *first* on the Fact, and *secondly* (if Occasion be) on Law: Nor can the Judge assign any other Place for these Informations, than the Place appointed by Statute for Judicial Matters, without Consent of Parties; and it is just Cause of Appeal, if he shou'd, since there is a Place assign'd for publick Judicature, and the Law abhors all private and clandestine Hearings.

The Judge pronounces his Sentence sitting on the Tribunal Seat in publick Court, and not standing; for this last Posture of the Body in a Judge at this time is also a just Cause of Appeal: And if there be many Judges (as in the Court of Delegates aforesaid) the Sentence is read by one in the Name of all the rest. The Substantials of a Diffinitive Sentence cannot be corrected, but the Judge may correct all other Sentences besides a Diffinitive one, nay even interpret and explain the obscure Passages of this, and the same Day add all Accidents and Concomitants to the Substance thereof, as Expences of Suit, &c. And here I must observe, That Condemnation in Expences is wont to be in a various manner; for sometimes only the Person cast, sometimes the Person obtaining Suit, and sometimes both of them, are jointly condemned in Expences; which Condemnation, Reservation or Compensation of Expences, is for the most part left to the Prudence and Discretion of the Judge, for which see the Law-Books more at large, *Damhoud. Prax. Civ. p. 467, &c.* But a Diffinitive Sentence, as well as an Interlocutory Decree having the Force of a Sentence, may be reversed by an Appeal, first made to the Delegates of Congregation, and from thence to those of the Convocation, if

any in being; otherwise to the Congregation and Convocation it self: And if there be not then three conformable Sentences, a further Appeal may be made to her Majesty in her High Court of Chancery, who in Civil Causes is wont to grant a Commission of Delegacy to some of the Judges of the Realm, and certain Doctors of Law, for the Hearing and Determination thereof, and in spiritual Causes some of the Bishops are join'd with these in Commission: Yet if the Sentence be not appealed from within 15 Days, the Inferior Judge (called the Judge *a Quo*, or of the *first Instance*) may proceed to emit a Citation against the Party cast in Suit, to shew Reason why Sentence should not be demanded to Execution, and also to see a Bill of Expences taxed: And if there be on his Appearance no Reason alledg'd to the contrary, the Judge demands the same to Execution, taxes a Bill of Expences, and decrees a Monition for the satisfying of the Judgment, and for the Payment of Costs. But if the Sentence be appealed from, and this Appeal be received by the Proctors of the University; or either of them, with whom it ought to be lodg'd, within three Days after the Interposition thereof, the said Proctors, or one of them (at least) ought to issue out an Inhibition under their Hands, to be served on the Judge *a Quo*, on the Party Appellate, and on the Register of the Inferior Court, commanding them to proceed no further in that Court against the Appellant, *quousque*, &c. Which Inhibition regularly ought to be return'd to the Proctors again, or to the superior Court, and not be filed in the Court below, according to the present Practice, either through the Ignorance or Negligence of the Proctors, who by this means cannot so well punish the Contempt and Disobedience

bedience of that Court in proceeding after the Service thereof: And the procuring this Inhibition, is called prosecuting the Appeal; for thereupon the said Proctors do within a convenient time intimate the Appeal lodg'd with them to the Delegates of Congregation, who, by this Intimation, are requir'd to assemble on the Day therein assign'd them, and upon Oath to take on them the Office of Delegates named for this Purpose by the Proctors, with the Vice-Chancellor's Consent in the first Congregation after the Proctors Entrance on their Office, as the Delegates of Convocation are in the first Convocation; and if any of these Delegates for Causes shall die, or be absent, or be refused on any Cause of Suspicion, at the Time of such Appeal, the Proctors ought to name others in their Stead: For there must be three (at least) concurring to every Act, and four consenting to a Sentence. These Delegates meet every *Wednesday* in the *Apodyterium*, at One a Clock, as well in Term as in Vacation Time, to hear and decide Appeals principally according to the Laws, Statutes, and Customs of the University, and oftner if they think fit.

When they are assembled for this Purpose, the Party-Appellant prays them to hear his Appeal; and then exhibiting the same in the Place of a Libel, he moves them to decree a Citation for the Appearance of the Party-Appellate, and another to the Register of the Court below for the introducing the Process in the first Instance, either in their Originals, or by Copies thereof, on or against the Day of their next Meeting: And then if the Parties will proceed by the same Acts (for they may propound new Matter, and make new Proof) the Delegates assign them a Day for Informa-

tions on the Fact, and another (if need be) for Informations in Point of Law on the Merits of the Appeal; and then the next Day after such Informations, they pronounce Sentence either by confirming or reversing the Sentence appeal'd from, and then proceed to a Taxation of Expences, and to the demanding of Sentence to Execution, as in the first Instance aforesaid. *Note*, If the Delegates pronounce *bene appellatum & male judicatum*, they never remit the principal Matter to the Judge *à Quo*; for, *qui semel gravavit, semper gravabit*, it being dangerous to trust him after the Provocation of an Appeal: But if the Sentence *à Qua* be confirm'd, the principal Matter in Controversy is remitted to the inferior Court for the Execution of the Sentence, &c.

In all Causes of Appeal from any Grievance irreparable (for from other Grievances the *Civil Law* forbids Appeals) the Appellant, in the Instrument of his Appeal, ought fully to deduce and express the Cause of his Grievance, in no wise necessary to be done in an Appeal from a diffinitive Sentence, or an Interlocutory Decree having the Force of such Sentence. It must be observ'd, that the *Fatale* of every Appeal runs, and is computed *à Momento ad Momentum*, from the Time of Sentence or Decree pronounc'd, to the Instant of interposing the said Appeal in the Presence of a Notary Publick, and two Witnesses attesting the same; and then, within three Days after, the Appellant carries it to the Proctors (as aforesaid) for an Inhibition thereupon, which is granted on his taking an Oath, that his Appeal is not frivolous; and on his depositing in the Proctors Hands the 20th Part of the Thing in Debate to the Use of the University (as Caution) in case he
be

be cast in his Appeal, otherwise the Proctors return it again.

There are some Cases, wherein the Benefit of an Appeal is not allow'd by reason of the Atrocity of the Crimes committed, and the Offenders fortifying themselves in the midst of Tumults against the Authority of the Magistrate and the Laws, by the Assistance of the Law it self: And these Offenders are such as *Libellers, Fornicators, Adulterers, Drunkards, perjur'd Persons, Breakers of the Peace, Noctivagators, Wearers of Arms* contrary to the University Statutes, *all Persons refusing to appear before the Chancellor or his Commissary, &c. upon a legal Summons, or appearing come with a Multitude, or give him opprobrious Language, or refuse to go to Prison on his Warrant or Command, or frequent Conventicles, &c.* All these Persons are interdicted the Benefit of an Appeal from a Diffinitive Sentence, or Interlocutory Decree, having the Effect of such Sentence; provided the Judge imposes not a more grievous Punishment than the Statute inflicts, &c. yet the Party aggriev'd, by any undue and irregular Proceeding, may have a *Querela nullitatis*.

If any Person be guilty of a Breach of the Peace, or other enormous Crime (tho' committed within a private College or Hall) and be convicted thereof, by sufficient and legal Evidence, or be taken in *ipso Facto*, he shall be punish'd by the Statutes of the University, and imprison'd, till he makes Satisfaction to the injur'd Party, or gives Sureties for that End, if the local Statutes of such private Society prescribe no Punishment, or give no Satisfaction to the Party injur'd: And besides this, he shall have his Name, Crime, Condemnation, and Stipulation register'd in the Vice-Chancellor's

Black Book ; so that if he be thereof convicted a 4th Time, he may be expelled the University for ever.

If any Person be charg'd with a Breach of the Peace, or any other grievous Crime, or be probably suspected thereof, or taken in *ipso Facto*, he shall be imprison'd for Custody's sake ; and if he refuses to yield Obedience to the Vice-Chancellor's Warrant, being a Student of any Degree whatever, he shall be expell'd the University ; and if a privileg'd Person, he shall lose his Privilege ; and if a Townsman, he shall be discommon'd, provided the Cognizance of the Crime appertains to the Chancellor : But even in this Case the Criminals are allow'd to put in Stipulation or Bail for their Appearance in Court, and Continuance thereof until Sentence ; and if they cannot find Sureties, the Vice-Chancellor ought to bring them within two Days by a statutable Examination thereof. If the Proctors carry a Criminal to Goal (as they may do in the Night time for the Sake of Custody) they ought the next Day, under the Pain of false Imprisonment, to denounce the Cause thereof to the Vice-Chancellor ; for the Goaler cannot keep him a Prisoner above 24 Hours without the Vice-Chancellor's Warrant, under the said Penalty.

In such Cases, wherein 'tis doubtful, an Appeal shall be admitted, or the Vice-Chancellor, within three Days from the Interposition of the Appeal, shall name two Doctors, who have been Proctors, (if resident in the University) else two other Doctors ; and the Proctors on their Part shall name two of the same Condition, or two Masters of Arts, who have been Proctors, and these with the Professor of Law, or (in his Absence) the Senior Graduate in
this

this Faculty present, shall, in a summary Manner, *sola rei inspecta veritate*, determine by a major Part of them, whether the Appeal shall be admitted or rejected by the Proctors, wherein they ought to favour the Appeal as much as possible; for that all Laws prohibiting Appeals are odious, inasmuch as they are against *Common Right*, and therefore ought to be restrain'd. See p. 95.

In a Civil Cause, where the Defendant's Person cannot be arrested for his Contempt, either because he absconds, or has privily withdrawn himself out of the Jurisdiction, he may be arrested by his Goods; Monies, or the Profits of his Fellowship, &c. (as before remembered) with an Original Warrant; whereunto is added a Citation to summon him in *special*, and all others in *general*, having, or pretending to have any Right, Title or Interest in the said Goods, Money, &c. to appear such a Day in such a Cause, &c. After the Mandatory has executed this Warrant and Citation on the Goods, &c. of the Defendant, he makes a Return thereof into Court upon Oath, certifying the same with a Schedule of the Goods, &c. arrested, and when and in what Place he serv'd the said Warrant and Citation: Then the Plaintiff's Proctor exhibiting his Proxy in Writing, or at the Acts of Court, (as in other Cases) gives in the Original Warrant with a Certificate indors'd on it; whereupon the Plaintiff's Proctor (after the Defendant, &c. have been thrice called over by the Cryer) accuses their Contumacy, and prays that they may be reputed contumacious; and in Pain of such their Contumacy decreed *incidisse in primam defaultam*, (for they must be in three Defaults before the Judge decrees a Sequestration) and then

then the Proctor prays a Continuance of the Certificate of the said Warrant *in pro*. After the 4th Default, (which is super-abundant) the Plaintiff's Proctor offers the first Decree, (as usually called) and alledging all things to have been done as therein contained, prays Justice may be administer'd to his Client by admitting him into the Possession of the Goods, &c. arrested; which the Judge accordingly admits, on Proof of the said Allegation, by Reading and Signing the said Decree; and then taxing a Bill of Expences, Decrees a Monition for the Payment thereof, and for letting the Plaintiff into Possession of the Defendant's Goods, &c. *Note*, That every necessary Sequestration is a kind of Execution in Law, and therefore full Proof ought to be made of the Debt, Contract, &c. but 'tis otherwise in a *voluntary* Sequestration, through the Consent of the Party himself.

‘If a third Person appears as Proprietor of the Goods arrested, for his Interest in these Goods, &c. e're the first Decree is pronounc'd, he ought to pay the Expences of Suit to the Time of such Decree before he shall be heard, and then he may alledge and propound his Interest, giving Sureties to abide by the Judgment of the Court, and to pay the Expences of Suit in case he shall not prove his Interest: Yet pending this Suit, the Goods, &c. arrested shall continue under Sequestration; and if he shall prove his Interest in them, they shall be adjudg'd to him, and the Plaintiff condemn'd in Costs. But if the Party claims his Interest after pronouncing the said Decree, he shall not be heard without first paying all Expences taxed at the Time of the Decree pronounc'd, and then he may alledge and propound as aforesaid:

Yet

Yet the Party thus intervening ought then to cite the Party principal (if living;) for his Proctor has discharg'd his Office, and his Proxy ceases.

In all Civil Causes, a Proxy ought to be exhibited before Contestation of Suit; for hereby the Proctor becomes *Dominus Litis*: But 'tis otherwise in Criminal Causes, wherein the Defendant can have no Proctor, until after Contestation of Suit; and not then without the Judge's Assignment, tho' Practice has generally prevail'd on the contrary. In Criminal Causes, let the Promoter's Proctor take care how he exhibits Articles in his own Person, lest he shou'd not be able to prove the same; and then an Action will lie against him, unless, by the *meer Office* of the Judge, he be assign'd a necessary Promoter, and then the Action is against the Judge, if his Prosecution be malicious, false and calumnious.

In all Pleas, or Matters judicially exhibited, the Proponent ought to be clear, concise, pertinent and conclusive in framing the same, not using general and ambiguous Terms: And in drawing of Libels and judicial Petitions, a concluding Petition is as necessary as the Position founding the Jurisdiction of the Judge; tho' it be otherwise in Criminal Causes, wherein the Law it self concludes; and therefore there is no need of a Conclusion. Every Conclusion of a judicial Plea is pertinently drawn from the Premisses, and form'd according to the Style of the Court; and since the whole Force of the Sentence depends thereon, great Care ought to be taken in forming of this Conclusion; for the Judge ought to pronounce according to the Tenor thereof, and not of the Premisses: And if the Plaintiff in the Conclusion

of

of his Libel do's not make a proper conclusive Petition, the Judge by his Sentence cannot give what was not before asked by the Plaintiff; so that the Conclusion virtually contains all the Premises: For what was before deduc'd in the Premises by a long Narration, is now in a more contracted manner cover'd in the Conclusion. But the Observance of a Conclusion is not so necessary in the Defendant's Plea, because it is sufficient for him to form and alledge Exceptions against the Plaintiff's Petition or Premises as they are set forth; yet Practice has made it necessary for the Defendant also to frame a Conclusion from the Premises of his defensive Matter.

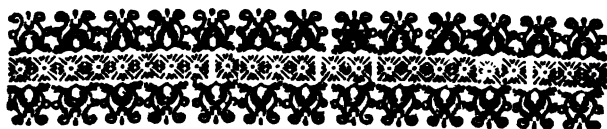
The Defendant, in drawing his personal Answer, and in repelling the Positions of the Plaintiff's Libel, ought to observe many Cautions: As *First*, That these Answers are exhibited in Writing; for 'tis of great Use and Advantage to the Defendant thus to give in his Answer, since he may not hereby be twice interrogated on the same Position, or Article, which ought not to be, whether confessed or denied. *Secondly*, The Respondent ought to be more prone and ready to deny than confess, especially when the Positions depend on the Respondent's Fact, who may confess or deny the same with the greater Assurance of Truth through his Privy thereunto; and then 'tis the Plaintiff's Duty to prove the same. *Thirdly*, The Defendant is not bound to Answer to such Facts as are not express'd or understood in his Oath; for he is only oblig'd to answer to the principal Question, and not to uncertain, superfluous, obscure, or impertinent Positions, nor to any negative, general, criminal, captious, or prejudicial Position, nor to any Po-

Position founded upon Law, or that requires the Answer of another Person, nor to any one that contains in it self many Articles, or to an unnatural one, &c. And thus much of judicial Pleadings in general according to the Practice of this Court. I shall only further take Notice of the Recusation of the Judge through Occasion of Suspicion; which Occasion (God knows) happens too frequent in Courts through the Malice, Partiality, and other evil Passions of some Judges. In the Year 1706. Dr. *Tho. Wood*, now Rector of *Hardwick* in *Buckinghamshire*, being then Assessor of this Court, after he had privately raked after Business for a malicious Prosecution, and had in a very undecent Manner defam'd one of the Proctors of the said Court, wou'd not be recus'd as a Judge suspected of Hatred; for notwithstanding an Allegation given in Writing, and Arbitrators named on the Recusant's Part, the said Doctor proceeded in the Cause under the Perswasion of being an *Ordinary Judge*, altho' hardly a *Delegated* one: Yet, according to the vulgar Acceptation, he was well enough qualify'd for that Title. But upon an Appeal to the Convocation, the Delegates annull'd all his Proceedings, and revers'd his unjust and wicked Sentence; whereupon it was appeal'd to the Queen in Chancery, where the Sentence of the aforesaid Delegates was approv'd and confirm'd, the Court declaring, that the Vice-Chancellor and his Assessor might be both recus'd for good Reasons: And so this great Lawyer being discomfited notwithstanding his Brazen Wall, (I mean not his Conscience) was oblig'd to retire to his Living in the aforesaid Country, where, I hope, he will do himself and Neighbours

more

more good by his Preaching, than he has done himself and the World Service by his Poetry, Civil, Common, and Canon Law, which he has profess'd at different Seasons. It is to be noted, That all recusatory Allegations in temporal Causes are in Writing, but otherwise in Spiritual Causes.

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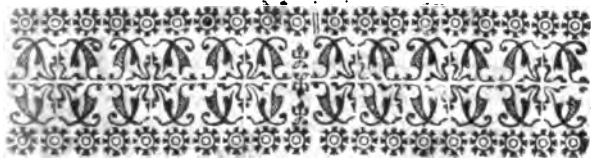
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Appendix.

Diploma Artburianum Cantabrigiæ concessum.



Rthurus regali à Deo fultus dignitate, omnibus suis salutem. Quia omnipotens Deus per misericordiam clementiæ, absque ullo antecedente merito, scepra regis mihi largitus est, libenter ei ex

Anno 531:

eo quod dedit retribuo : Idcirco ejus gratiâ eruditus pro amore cælestis patriæ remediôque animarum antecessorum meorum Britannæ regum, pro augmentatione insuper reipub. regni meæ Britannæ, ac profectu spiritali scholarium in lege Domini jugiter Cantabrigiæ studentium, consilio & assensu omnium & singulorum Pontificum & Principum istius regni, & licentiâ sedis Apostolicæ statui præsentî scripto & firmiter decerno, ut civitas scholarium prædicta (ubi hætenus splendorem scientiæ & lumen doctrinæ gratiâ favente conditoris, mei prædecessores acceperunt) à publicis vectigalibus & operibus onerosis absolvatur, ut quietudine Doctores inibi & scholares valeant doctrinæ studio inhærere, sicut gloriosus Rex Britannæ Lucius decrevit, Christiani-

tranquillitatem amplectens prædicatione Doctorum Cantabrigiæ. Quamobrem sint Scholares atque Doctores Cantabrigiæ manentes in tranquillitate perpetuâ tuti, privilegiisque muniti regalibus, cum suis rebus & familiaribus ab omnibus secularibus servitutibus, nec non à regalibus tributis majoribus seu minoribus. Datum anno ab incarnatione Domini 531. septimo die Aprilis in civitate Londinensi.

Honorii primi Bulla Cantabrigiæ concessa.

Anno 624.

Honorius Episcopus servus servorum Dei, dilectis filiis Doctoribus & Scholaribus in Universitate Cantabrigiæ studentibus, salutem & Apostolicam benedictionem. Dilectissimi in Christo filii, non absque labore & plurimâ turbatione didicimus, quomodo multitudine nefandâ Paganorum Universitas vestra olim celeberrima vehementer affligitur. Quorum pravitate nonnulli propriæ salutis immemores, luporum faucibus & vulpinâ facie, libertates & privilegia, quæ vobis & prædecessoribus vestris in eâdem Universitate studentibus gratiosè indulgè sedes Apostolica, moluntur enervare. Ita quòd plures ecclesiarum præpositi absque rationis jure minùs justè in vos jurisdictionem indebitam & insolitam usurpantes, quanquam non consueverunt hætenus, ad Universitatem vestram accedunt, materiam perturbationis & discordiæ seminantes, non correctionis, emendationis, aut reformationis ibidem officia exercentes contra inhibitionem sedis Apostolicæ. Volentes igitur, ut tenemur justitiâ suadente, paci & tranquillitati Universitatis paternâ sollicitudine salubriter providere, ubi clementiâ salvatoris, poculum

lum doctrinæ salutariſ scientiæ hauſimus tunc agentes in minoribus, prædeceſſorum noſtrorum Romanæ Eccleſiæ Pontificum, Eleutherii, Fabiani, Simplicii, Feliciſ, & Bonifacii veſtigiis debite inhærentes, authoritate omnipotentis Dei diſtrictius inhiſbemus ſub pœnâ excommunicationis quam veniens in contrarium ipſo facto incurrat, ne quis Archiepiſcopus, Epicoſopus, Archidiaconus, aut eorum Officiales ſeu Viſitatores generales aut ſpeciales à ſede Apoſtolicâ deputati, audeat in aliquem veſtrum ſuſpenſionis vel excommunicationis ſeu interdicti ſententias inferre, aut vos ſeu familiares veſtros moleſtare præſumat, ſed Cancellarius cum Reſtoribus de conſilio ſaniorum & ſeniorum veſtræ Uniſverſitatis ſecundum ſtatuta veſtra corrigere & emendare ſtudeat, charitate ſemper mediâ, ſecundum quod magis expedire videritis : ſi quis verò ſubditorum veſtrorum ſtatutis veſtris contraire præſumpſerit, aut contempſerit obſervare, eum eccleſiaſticâ ſententiâ percellatis. Quam ſcil. ſententiam rationabiliter latam, tam à Diocetano Epicoſopo, quàm ab aliis inconcuſſam uſque ad condignam cum humilitate & pœnitentiâ ſatiſfactionem præcepimus obſervari. Decevimus etiam quòd nulli omnino hominum liceat hanc paginam noſtræ conſeſſionis, voluntatis, exemptionis & libertatis infringere vel ei aliquatenus contraire : ſi quis verò hoc attemptare præſumpſerit, indignationem omnipotentis Dei ſe noverit incurſurum. Scriptum apud Sanctum Petrum, anno ab Incarnatione Verbi 624. 20 die menſis Februarii.

Sergii primi ad Cantabrigiam Rescriptum sive Bulla.

Anno 689.

Sergius Episcopus servus servorum Dei, dilectis filiis, Doctoribus & Scholaribus Universitatis Cantabrigiæ, in Angliâ studentibus, salutem & Apostolicam benedictionem. Quoniam fama bonæ opinionis, in doctrinâ fidei orthodoxæ vestræ Universitatis ubique terrarum diffunditur, & experti sumus, ut vobis gratiam faciamus, inducimur justitiâ suadente. Ea propter, dilecti in Domino filii, vestris piis & honestis, justisque postulationibus annuentes, paci & tranquillitati vestræ Universitatis almæ, ubi odor devotionis cum labore sanctitatis adesse solebat, sollicitè volentes providere, præsentium auctoritate decrevimus, ut nulli Archiepiscopo seu Episcopo, aliæve ecclesiasticæ personæ vel seculari liceat Universitatem vestram aut aliquem vestrum suspendere seu excommunicare, vel quolibet sub interdicto ponere, absque summi Pontificis assensu, vel ejus mandato speciali: prohibemus insuper, ne quis privilegia vobis à sede Apostolicâ gratiosè concessa, vel indulta, ausu temerario infringere seu restringere præsumat vel attemptet; nulli igitur hominum liceat, hanc paginam nostræ concessionis & exemptionis infringere, vel ei quovismodo contraire. Si quis autem hoc attemptare præsumperit, indignationem omnipotentis Dei & beatorum Apostolorum Petri & Pauli, se noverit incursum. Scripta Romæ in Ecclesiâ Lateranensi, anno ab incarnatione Verbi 689. tertio die mensis Maii.

A P P E N D I X.

V

Charta Roberti de Olleyo.

Notum sit fidelibus sanctæ Ecclesiæ tam præsentibus quàm futuris, quod ego Robertus de Olleyo, volentibus & concedentibus Aldithâ uxore meâ & fratribus meis Nigello & Gilberto, dedi & concessi, & in hac præsentî Chartâ meâ confirmavi in puram & perpetuam eleemosynam Deo & Ecclesiæ S. Georgii in castello Oxenford, & Canonicis in eâ Deo serviensibus, & eorum successoribus (quam Ecclesiam ego fundavi) pro salute regis Henrici & incolunitate totius regni, nec non & pro meâ ac uxoris & fratrum parentum & amicorum nostrorum salute, omnes res, tenementa, decimas & possessiones subscriptas, videlicet Ecclesiam Sanctæ Mariæ Magdalænæ quæ sita est in suburbio Oxenford, cum tribus hidis terræ in Walton, & gratis & decimis eidem Ecclesiæ pertinentiis, &c.

Breve seu Præceptum Henrici III.

Majori & Ballivis Oxon. transmissum.

RE X Majori & Ballivis suis Oxon. salutem. Anno 1234.
Sciatis quod pietatis intuitu consilimus, quod omnes publicæ meretrices & concubinæ Clericorum quas cepistis & prisonâ vestrâ detinetis, eò quod contra provisionem nostram inventæ fuerunt in villâ vestrâ Oxon. deberentur sub tali formâ. Quod publicæ Meretrices statim post deliberationem suam, villâ vestram exeant; concubinæ verò Clericorum tenementa

nementa habentes in eâdem villâ, si juramentum vobis præstiterint, & securitatem vobis fecerint, quòd de cætero honestè se gerent, non habito accessu ad Clericos, cum quibus sic captæ sunt & detentæ, post deliberationem suam liberè & sine impedimento, stent in eâdem villâ, & ibidem morantur. Aliæ verò, domos aut possessiones in eâdem villâ non habentes, villam exeant, ibidem ulterius non moraturæ. Et ideo vobis præcipimus, quòd tam publicas meretrices, quam concubinas Clericorum in formâ prædictâ deliberetis. Teste Meipso apud Westmonasterium, decimo die Julii, anno regni nostri 18vo, annoque Dom. 1234.

*Charta Henrici tertii pro cognitione
placitorum Universitati Oxon. concessa.*

Anno 1244.
Claus. 28. Hen.
3. M. 6. A. fol.
53. a. B. 17. b.
C. 79. a. & c.

HENRICUS Dei gratiâ rex Angliæ, Dominus Hiberniæ, &c. Noveritis, Nos pro quiete Studentium Universitatis Oxon. de speciali gratiâ nostrâ concessisse Cancellario & Universitati prædictæ, quòd quamdiu nobis placuerit in causis Clericorum ex mutuis datis aut receptis aut taxationibus seu locationibus domorum aut equis conductis, venditis seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus, in municipio aut suburbio Oxon. factis, nostra prohibitio non currat. Sed hujusmodi coram Cancellario Universitatis, non obstante prohibitione nostrâ, decendantur lites. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste Meipso apud Rading, decimo die Maii, anno regni nostri vicesimo octavo.

Alia

*Alia Charta Henrici III. Universitati
Oxon. concessa.*

ANNO regni Regis Henrici filii Regis
Johannis 3^{do}, 29^o die Maii, presentibus
apud Woodstock tam Procuratoribus Scholarium
Universitatis, quam Burgenſibus Oxon. idem
D. Rex concessit eiſdem Scholaribus libertates
ſubſcriptas, viz. Quod ſi inferatur injuria præ-
dictis Scholaribus, fiat inde inq̄ſitio tam per
villas vicinas, quam per Burgenſes prædictos.
Et quod ſi ipſi Burgenſes interficiant aliquem de
Scholaribus Oxon. vel in aliquem ipſorum in-
ſultum faciant, vel alicui ipſorum gravem inju-
riam inferant, Communitas eiſdem ville per ſe
puniat & amercietur; & Ballivi per ſe, & non
cum Communitate eiſdem puniantur & amerci-
entur, ſi negligentes vel dolum fecerint in exe-
quendo officium ſuum contra illos, qui hujus-
modi injurias prædictas Scholaribus inferunt.
Et quod Judæi Oxon. non recipient à Scholari-
bus prædictis pro librâ in ſeptimanâ niſi duos
denarios, & ſimiliter fiat in minori ſummâ ſe-
cundum ſuam quantitatem, alioquin prædicti Ju-
dæi puniantur juxta conſtitutionem regni. Et
quod quotieſcunque & quandocunque Major &
Ballivi Oxon. Sacramentum Fidelitatis præſta-
bunt in loco ſuo communi, Communitas eiſdem
ville denunciât Cancellario, ut per ſe vel per
aliquas perſonas Eccleſiaſticas præſtationi jura-
menti prædicti, ſi voluerit, interſit: quod qui-
dem juramentum tale erit quoad Scholares præ-
dictos, viz. quod ipſi Major & Ballivi conſer-
vabunt libertates & conſuetudines Universitatis
prædictæ, alioquin non valeat juramentum ip-
ſorum, ſed iterum præſtetur ſecundum formam
præſcriptam.

Anno 1248.
In turri Schol.
EE n. 2. ſub
ſigil. clauſ. 32
Hen. 3. M. 9.
& in Rotul.
chart. per mod.
inſpex. 52.
Hen. 3. M. 6.
A. 51. b. C.
77. b. &c.

*Charta alia Henrici III. Universitati
Oxon. concessa & transmissa.*

Anno 1255.

HENRICUS Dei gratiâ Rex Angliæ, Dominus
Hiberniæ, Dux Aquitaniæ & Normanniæ,
Comes Andegaviæ, omnibus ad quos præsentēs
literæ pervenerint, salutem. Sciatis quòd ad
pacem & tranquillitatem, nec non ad utilitatem
Universitatis Scholarium Oxon. providimus &
concessimus, quòd quatuor Aldermanni fiant in
Oxon. & octo de legalioribus Burgensibus ejus-
dem Villæ associantur ipsis Aldermannis, qui
omnes jurent nobis fidelitatem, & sint assisten-
tes & consulentes Majori & Ballivis nostris Oxo-
niæ ad pacem nostram conservandam, ad affixas
dictæ villæ custodiendas, & ad investigandum Ma-
lefactores & Perturbatores pacis nostræ, & vaga-
bundos de nocte & Receptores Latronum & Ma-
lefactorum, & corporale præstent sacramentum,
quòd omnia prædicta fideliter observabunt. In
qualibet autem parochiâ villæ Oxon. sint duo ho-
mines electi de legalioribus parochianis, & jurati
quòd in quâlibet Quindenâ inquirent diligenter,
ne quis suspectus hospitetur in parochiâ, & si a-
liquis receptaverit aliquem per tres noctes in
domo suâ, respondeat pro eo. Nullus Regra-
tarius emat victualia in villâ Oxon. vel extra
villam versus villam venientia, nec aliquid e-
mat, nec iterum vendat ante horam nonam; &
si fecerit, amercietur, & rem emptam amitter.
Si Laicus inferat Clerico gravem vel enormem
læsionem, statim capiatur; & si magna sit læsio,
incarceretur in castro Oxoniæ, & ibi detinea-
tur, quousque Clerico satisfiat, & hoc arbitrio
Cancellarii Universitatis Oxon. si Laicus pro-
pulsus fuerit; si minor vel levis sit injuria, in-
carceretur

carceretur in villâ. Si Clericus inferat gravem & enormem læsionem Laico, incarceretur in prædicto castro, quousque Cancellarius prædictæ Universitatis ipsum postulaverit. Si minor vel levis injuria, incarceretur in carcere villæ, quousque liberetur per Cancellarium. Pistor & Braciatores Oxoniæ in primo transgressu suo non puniantur; sed in 2do transgressu habeant judicium de Pillorio. Quilibet Pistor habeat sigillum suum & signet panem suum, per quod possit cognosci cujus panis sit. Quicumque de villâ braciaverit ad vendendum, exponat signum suum, alioquin amittat Cervisiam. Vina Oxon. communiter vendantur indifferenter tam Clericis quàm Laicis, ex quo imbrochiata fuerint. Tentatio panis fiat bis in anno, viz. in quindena post festum Sancti Michaelis, & circa festum Sanctæ Mariæ in Martio, & Assiza fiat eisdem terminis secundum valorem Bladi & Brasii, & quotiescunque debeat fieri tentatio panis & cervisiæ, interfit Cancellarius prædictæ Universitatis, vel aliqui ex parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint; quod si non inter sint, nec super hoc requisiti fuerint, nihil valeat tentatio prædicta. In cujus rei testimonium, has literas nostras eidem Universitati fieri fecimus patentes. Teste Meipso apud Woodstock, 18vo. die Junii, anno regni nostri 39º.

Breve Regis Henrici Majori & Ballivis Northampton transmissum.

REX dilectis & fidelibus suis Majori & Ballivis, & cæteris probis hominibus suis de Northampton, salutem. Cum quidam Magistri & alii Scholares proponant in Municipio morari ad scholasticam disciplinam ibidem ~~etiam~~ ercendam

Anno 1250.

ercendam (ut accepimus) nos cultum divinum & regni nostri utilitatem majorem ex hoc attendentes, adventum prædictorum Scholarium & moram suam ibidem acceptamus. Volentes & concedentes quod prædicti Scholares in Municipio prædicto sub nostrâ protectione & defensione, salvò & securè morentur, & ibidem exerceant & faciant ea quæ ad hujusmodi Scholares pertinent. Et ideo vobis mandamus firmiter præcipientes, quod ipsos Scholares cum ad vos venerint commoraturi in municipio prædicto, recommendatos habentes, ipsos curialiter recipiatis, & prout statum decet scholasticum tractetis; non inferentes eis vel inferri permittentes impedimenta, molestiam, aut gravamen. In cujus rei testimonium, &c.

Subscriptio.

Et mandatum est universis Magistris & aliis Scholaribus venturis ad municipium prædictum, quod Rex adventum ipsorum in Municipium prædictum, ad Scholasticam disciplinam ibidem exercendam affectat. Et Rex vult & concedit, quod sub suâ protectione & defensione, salvò & securè morentur in Municipio prædicto, & ibidem exerceant & faciant quæ ad ipsos pertinent.

*Breve seu Præceptum Henrici III.
Majori & Civibus Northampton.*

Anno 1264.

REX Majori & Civibus Northamptoniæ salutem. Cum occasione cujusdam magnæ contentionis triennio jam elapso abortæ, nonnulli Clericorum tum ibidem studentium unanimiter ab ipsâ villâ recessissent se usque ad villam

lam nostram Northamptoniæ transferentes, & ibidem studiis inherendo, novam construere Universitatem cupientes, Nos illo tempore credentes villam illam ex hoc posse meliorari, & nobis utilitatem non modicam inde pervenire, votis dictorum Clericorum ad eorum requisitionem annuebamus in hac parte: Nunc autem cum ex relatu multorum fide dignorum veraciter intelleximus, quod ex huiusmodi Universitate (si permaneret ibidem) municipium nostrum Oxon. quod ab antiquo creatum est, & à progenitoribus nostris regibus Angliæ confirmatum, ac ad commoditatem studentium communiter approbatum, non mediocriter laderetur, quod nullâ ratione vellemus, maxime cum universis Episcopis terræ nostræ ad honorem Dei, & utilitatem Ecclesiæ Anglicanæ, & profectum studentium, videatur expedire, quod Universitas amoveatur à villâ prædictâ, sicut per literas suas patentes accepimus, vobis de consilio Magnatum nostrorum firmiter inhibemus, ne in villâ nostrâ Northampton. aliquam Universitatem esse, nec aliquos ibidem studentes manere permittatis, &c. Dat. 1 mo die Feb. anno regni 49.

*Rob. Grosbead Commissio Officiali suo
R. de Marisco, Sc.*

R. Dei Gratiâ Lincoln. Episcopus, dilecto in Christo filio Magistro R. de Marisco Canonico Lincoln. Officiario suo salutem, gratiam, & benedictionem. Scripserunt nobis dilectus in Christo filius Cancellarius, & Universitas Oxon. quod die Apostolorum Philipp. & Jacobi quidam de Burgensibus Oxon. cuidam scho-

scholari nobili & bonæ conversationis transeunti
ferò per Ecclesiam S. Martini Oxon. obviantes,
finè causâ, vel commissio, sicut dicitur, plagas
horribiles & mortales intulerunt, qui cum nite-
retur evadere, carnifices & quidam alii cum
frustis carniû, & intestinis, ac suis spurcitiis
eundem fœdaverunt, & alii contumeliis ipsum
affectum lapidibus obruerunt, ita quòd in ostium
Ecclesiæ *Omniû Sanctorum* semianimis cecidit,
& in domum suam pendulis brachiis bajulatus,
die tertiâ summo manè miserabiliter expiravit.
Ballivi quoque villæ prædictæ remedium in hac
parte non adhibentes, dictos occisores per vicos
incedere publicè, sicut dicitur, more solito col-
loquentes eisdem permiserunt, quousque dictus
Clericus expirasset, adhuc eosdem nocentes ad
Ecclesiam B. Martini, ubi salvò tutèque resi-
dent, cum armis conduxerunt; propter quæ
Universitas prædicta taliter est commota, quòd
ab omnibus Lectoribus tam ordinariis quàm ex-
traordinariis cessantes, juraverunt, quòd ni
competens in hac parte vindicta sumatur, cum
sepius consimile contigerit, nec hucusque vin-
dicatum fuerit, omnino à studio Oxon. rece-
dent, nec permittunt corpus dicti Clerici sepul-
turæ tradi, sed ad hujusmodi facti memoriam
corpus inhumatum reservant, quousque à Do-
mino Rege, & à Nobis, responsum optatum re-
ceperint. Et quòd nec de veritate hujusmodi
facti nobis prius legitimè constaret, in personam
alicujus, aut Comitatum, certam non posse-
mus condemnationis alicujus ferre sententiam,
Vobis mandamus, quatenus sine quolibet more
dispendio ad villam Oxon. personaliter acce-
dentes, summam excommunicationis in genere
in omnibus & singulis Ecclesiis ejusdem villæ
candelis accensis & pulsatis companis solenniter
& publicè promulgari faciatis in omnes illos,
qui

qui pacem Ecclesiæ & Universitatis prædictæ perturbantes, in dictum Clericum manus violentas injecerunt, & ictus & plagas mortales eidem intulerunt, ac opem, consilium, favorem aut consensum tam enormis facti perpetrationi impenderunt. Postmodum verò, assumptis vobiscum viris discretis, ac Deum timentibus, vocatis vocandis per viros fide-dignos, idoneos & juratos, diligentem & exactissimam faciatis super præmissis inquisitionem, quâ quidem solenniter publicatâ, & compositione inter Universitatem & Burgenſes per bonæ memoriæ Dominum *N. Tusculanens.* Episcopum Apostolicæ sedis Legatum dudum factâ, quæ residet apud *Osneium*, diligenter inspectâ, quos secundum dictam inquisitionem dicti facinoris reos inveneritis, unâ cum fautoribus & auctoribus eorum, vice & autoritate nostrâ, habito virorum sapientum consilio, animadversione canonicâ taliter puniatis, quòd tam processus vester in hac parte, quàm vestra demum de eâdem sententia definitiva, canonicis undique fulciatur institutis, vosque propter hoc tam à Deo quàm ab hominibus merito possitis & debeatis propensius in domino commendari. Datum apud *Parcum Stow*, 8. Id. Maii, Pontificii nostri anno 13.

Exemptio Scholarium Oxon. à Jurisdictione Archiepiscopali & Episcopali per Bonifacium Octavum.

Bonifacius servus servorum Dei, ad perp- Anno Dom. 1300.
 tuam rei memoriam : Dignum censemus.
 ut personis literarum studiis insistentibus, per
 quas divini hominis, & fidei Catholicæ cultus
 protenditur, justitia colitur, tam publica quàm
 privata

privata res geritur utiliter, omnisque prosperitas humanæ conditionis augetur, favores gratiosos & opportuna commoditatis & libertatis auxilia liberaliter impendamus: Exhibita siquidem nobis pro parte dilectorum filiorum Cancellarii, Magistrorum, Doctorum & Scholarium Universitatis Studii Oxon. Lincoln. Diocesis, petitio continebat, quod olim nonnulli claræ memoriæ reges Angliæ, qui fuerunt pro tempore, pro majori pace, quiete & tranquillitate studentium in eodem studio ipsis Magistris, Doctoribus & Scholaribus nonnulla privilegia per clarissimum in Christo filium nostrum regem Angliæ illustrem postmodum confirmata, & inter alia concesserunt, quod Cancellarius dicti studii pro tempore existens haberet omnimodam quorumcunque contractuum vel quasi factorum, necnon punitionem seu correctionem delictorum commissorum pro tempore, infra limites Universitatis prædictæ, ubi saltem altera partium, scholaris vel serviens ejus, aut aliis, jurisdictioni Domini Cancellarii subiectus est; ita quod nullus scholaris præfati studii, vel serviens ipsius, seu de hujusmodi jurisdictione Domini Cancellarii existens, occasione præmissorum, vel alicujus eorundem, etiam per brevia regia, extra Universitatem præfatam trahi posset; tribus casibus, videlicet Homicidio, Mutilatione, & libero Tenemento duntaxat exceptis: quodque Magistri, Doctores & Scholares, vigore concessionum hujusmodi, in pacificâ possessione vel quasi privilegiorum fuerint à tempore cujus contrarii memoria non existit. Quare pro parte Magistrorum, Doctorum, & Scholarium præmissorum, Nobis humiliter fuit supplicatum, ut iis similem concessionem facere, eosque ab omni jurisdictione, dominio & potestate quorumcunque

Archi-

Archiepiscoporum, Episcoporum, & aliorum
 Judicum ordinariorum eximere, de dignitate
 Apostolicâ dignaremur: Nos igitur hujusmodi
 supplicationibus inclinati, scholares & alias
 personas jurisdictioni Cancellarii dicti studii pro
 tempore existentis subjectos, in ipso studio pro
 tempore degentes, etiam si fuerint in sacris ordi-
 nibus constituti, seu Beneficia Ecclesiastica ob-
 tineant, aut quorumcunque ordinum etiam
 Mendicantium vel alias sede Apostolicâ exemp-
 ti fuerint, quamdiu in dicto studio degerint,
 ab omni jurisdictione, dominio, vel potestate
 quorumcunque Archiepiscoporum, etiam Lega-
 torum natorum dictæ sedis, necnon Episcopo-
 rum & aliorum ordinariorum judicum, quoad
 contractuum initorum vel quasi nec non exces-
 sum, criminum & delictorum infra hujusmodi
 limites præfatæ Universitatis commissorum cog-
 nitionem, & ipsorum excessum ac delictorum
 & contractuum, vel quasi correctionem & puni-
 tionem, unâ cum ipso Cancellario, quoad præ-
 missos duntaxat non, ut præfertur, exceptos
 casus & omnes actus scholasticos autoritate
 Apostolicâ tenore præsentium eximimus & to-
 taliter liberamus, ipsos scholares & personas
 alias, quamdiu in præfato studio, ut præfertur,
 degerint, prædicto Cancellario subijcimus: ita
 quod idem Cancellarius de contractibus initis,
 ac de excessibus delictorum, & criminibus com-
 missis per scholares & alias personas hujusmodi,
 cognoscere, & punire, & omnimodam juris-
 dictionem etiam ecclesiasticam & spiritualem
 in eisdem scholares, & personas alias exercere,
 liberè & licitè valeat, secundum statuta & pri-
 vilegia & consuetudines prælibati studii felix
 recordationis Innocentii Papæ quarti, Prædeces-
 soris nostri, circa exemptos edita, quæ incipit,
 Volentes, & aliis constitutionibus Apostolicis,

contrariis non obstantibus quibuscunque. Nos enim Excommunicationem & Interdicti sententias, & quoscunque processus, quas & quos, contra præfatum Cancellarium & scholares, & alias personas dicti Studii, contra tenorem & formam exemptionis & liberationis promulgari & haberi contigerit, decrevimus irritos & inanes: jurisdictione tamen & potestate Cancellarii & Universitatis, ac Collegiorum ejusdem statutis & consuetudinibus, privilegiis & libertatibus, illis præsertim quibus caveri dicitur, quod in præmissis Procuratores & Congregatio Magistrorum dictæ Universitatis in hujusmodi Cancellarium jurisdictionem habeat, in omnibus semper salvis: Nulli ergo omnino hominum liceat hanc paginam nostræ exemptionis, liberationis, subjectionis & constitutionis infringere, vel ei ausu temerario contraire: si quis autem hoc attemptare præsumperit, indignationem omnipotentis Dei & beatorum Petri & Pauli Apostolorum ejus se noverit incursurum. Dat. Romæ apud sanctum Petrum, secundo Idus Junii, Pontificatus nostri anno sexto.

† *Bulla Johannis 21mi Papæ ad Cantabrigienses.*

An. 1318.

Johannes Episcopus, servus servorum Dei, dilectis filiis Universitatis Cantabrigiæ, Eliensis Diocesis, salutem & Apostolicam benedictionem. Inter singula quæ gratâ nos oblectatione lætificent, grandi cor nostrum reficitur gaudio, & lætitiâ exultat exoptatâ, cum eos qui cœlesti sunt providentiâ præditi ad populorum regimen & regnorum, ad communem subditorum suorum profectum intentos aspici-

mus,

mus, ipsosque ad publicæ utilitatis bonum sollicitos: sanè charissimus in Christo filius noster Edvardus rex Angliæ illustris prudenter attendens quòd multitudo sapientum, salus est regnorum, quodque non minus prudentum consilio, quàm fortium strenuitate virorum, regentium & regnorum moderamina disponantur, apud Cantabrigiam Eliensis Diocesis locum, in regno suo multis commoditatibus præditum & insignem, desiderat vigere studium generale, & quod à Doctoribus & docendis in posterum frequentetur, humiliter postulavit à nobis ut studium ab olim ibi ordinatum, & privilegia à Romanis Pontificibus prædecessoribus nostris, vel regibus qui fuerint pro tempore eidem concessa, Apostolico curemus munimine roborare. Nos igitur suæ intentionis propositum, dignis in Domino laudibus commendantes, ejusque supplicationibus inclinati Apostolicâ autoritate statuimus ut in prædicto loco Cantabrigiæ, sit de cætero studium generale. Volentes autoritate prædictâ, & etiam decernentes, quòd Collegium Magistrorum & Scholarium ejusdem studii, Universitas sit censenda, & omnibus juribus gaudeat, quibus gaudere potest & debet Universitas quæcunque legitime ordinata: cæterum omnia privilegia & indulta, prædicto studio rationabiliter à Pontificibus & Regibus prædictis concessa, autoritate prædictâ confirmamus. Nul- li igitur omnino liceat hanc paginam nostri statuti, voluntatis, constitutionis & confirmationis infringere, vel ausu temerario contraire: Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, & beatorum Petri & Pauli Apostolorum, noverit se incursum. dat' Avinionæ 5to Idus Julii, Pontificatûs nostri anno 2do.

Charta Edvardi II. pro mutuâ Oxoniensis & Parisiensis studii societate.

*Ibid. M. 13.
N. 23.*

SANCTISSIMO in Christo Patri Johanni divinâ providentiâ sacrosanctæ Romanæ ac universalis Ecclesiæ summo Pontifici, Edvardus eadem gratiâ rex Angliæ, Dominus & Dux Aquitaniz devota pedum oscula beatorum. Sane intelleximus hanc dudum à felicis memoriæ Domino † Bonifacio Papâ 8vo Prædecessore vestro Universitatibus regni Franciæ gratiam fuisse concessam, ut omnes qui gradum Magistralis honoris in quacunque facultate affecuti fuerint, in iisdem possint ubique terrarum lectiones resumere & easdem continuare pro suâ libito voluntatis, absque novæ examinationis vel approbationis præiudiis, seu debito iterandi principii aut petendæ gratiæcursuscunque. Verum quia dubium non est (secundum veterum testimonia scripturarum) Gallicanum studium ab Anglicanis nostris originale traxisse principium, constatque talem Apostolicæ dispensationis gratiam, in Anglicani studii redundare dispendium, si Universitas nostra Oxon. cum prædictis Universitatibus regni Fran-

† Inter eximia gratiarum donaria quibus regnum nostrum Angliæ magnus altissimi mirifice stabilivit, summo meretur attolli præcomio & favoris cujuscunque insigni præsidio sublimis illa sapientialis studii dignitas, quæ in Oxon. Universitate continuatis viget successibus & floruit ab antiquo. Ipsa namque ut mater fecunda prolem innumeram procreare non desinit, cujus scientialis claritas ceteros irradiat & illustrat. Ipsa etiam velut vitis fructifera palmites suos circumquaque diffundit, qui sitiendis ecclesiæ filiis salutaris doctrinæ pocula copiose ministrant, & de virtutum celario totam lætificant domum Dei.

cia in libertatibus & scholasticis actibus non concurrat, sanctitati vestre affectuosâ instantiâ supplicamus, quatenus ad pacem mutuam inter viros scholasticos nutriendam, Universitatem prædictam Oxon. consimili velitis privilegio decorare: Nos siquidem gauderemus si in nostri & Universitatis nostræ prædictæ favorem, quod à providentiâ vestrâ deponimus, exaudiretis gratiose: quia valdè nobis molestum foret, si tanta Universitas aliqua nostris adversâ temporibus pateretur, aut ad insolitam servitutem redigetur. Conservet, &c. teste Rege apud Westm. vicesimo sexto die Decembris.

SANCTISSIMO in Christo Patri (ut supra) devota pedum oscula beatorum. Dilectum Clericum nostrum Magistrum Johannem Lutterell sacre Theologiæ Doctorem, Cancellarium Universitatis Oxon. vestræ sanctitati pleno commendamus affectu, rogantes quatenus eidem Clerico nostro in negotiis ex parte ipsius vestræ sanctæ paternitati plenius exponend' gratiæ finem aperire, vosque super felici expeditione eorundem reddere dignemini gratiosos. Conservet vos, &c. Teste Rege apud Windesf. 27^o die Decembris.

Ibid. pro Magistro Johanne Lutterell, Cancellar. Universitatis Oxon.

Breve *Edvardi II. Vice-com. Oxon. de Prædicantibus, &c.*

REX Vic. Oxon. salutem. Petitionem dilectorum nobis Cancellarii & Universitatis ville Oxon. coram nobis in Consilio nostro in præsentī Parlamento nostro apud Ebor. convocato, exhibitam recipimus, continentem, quod cum dictus Cancellarius per chartas progenitorum nostrorum quondam Regum Angliæ, habeat cogniti-

Claus. 12. E. II. intus pro Cancellar. & Universitate Oxon.

ones de quibuscunque transgressionibus infra villam prædictam & suburbium ejusdem scholaribus seu Clericis ejusdem villæ, aut per ipsos scholares seu Clericos aliis factis, exceptis Mortis & Mahemii, & idem Cancellarius pacem nostram ibidem manutēnere debeat & conservare, tanquam Minister noster: ipseque & Prædecessores sui in officio illo cognitiones hujusmodi virtute Chartarum prædictarum, exceptis Mortis & Mahemii, habere, & pacem nostram ibidem tanquam Ministri nostri conservare consueverint temporibus retroactis. Fratres tamen Prædicatores in eadem villâ commorantes, de transgressionibus per ipsos ibidem perpetratis se per præfatum Cancellarium justitiam non permittunt, prætendentes se per privilegia Papalia ab ejusdem Cancellarii jurisdictione liberos debere esse & immunes, unde frequenter in eadem Universitate tumultus oritur, & contentiones variæ suscitantur, & tranquillitas Universitatis prædictæ plurimum conturbatur. Super quo petierunt per nos congruum remedium adhiberi. Nos itaque attendentes ea quæ ad jurisdictionem nostram spectant temporalem: Maxime in his quæ ad conservationem pertinent pacis nostræ, per privilegia Papalia non debere nec posse diminui seu etiam aboleri; tibi præcipimus, quod non obstantibus privilegiis prædictis, præfato Cancellario qui nunc est, vel qui pro tempore erit, in his quæ ad cognitionem seu punitionem transgressionum prædictarum & conservationem pacis nostræ pertinent, pareas & intendas, prout hætenus fieri consuevit. Teste Rege apud Ebor. 24^o die Novembris.

Per Petitionem de Consilio.

Epistola Eduardi 2di Regis Angliæ Johanni summo Pontifici.

SANCTISSIMO in Christo Patri Domino Johanni *Rot. Rom. an.*
 divina providentiâ sacrosanctæ Romanæ & *11. E. 2. M.*
 universalis Ecclesiæ summo Pontifici, Eduardus *14- intus pro*
 ejusdem gratiâ Rex Angliæ, Dominus Hiber- *Universitate*
 niæ, & Dux Aquitanix, devota pedum oscula *Oxon.*
 beatorum. De fructu salutari qui ex Universi-
 tate Oxon. infra regnum nostrum & ibidem stu-
 dentibus, ad exaltationem Ecclesiæ & consoli-
 dationem ac augmentationem fidei catholicæ,
 nec non ad nostri & dicti regni laudis præconi-
 um & utilitatum incrementa indies crescit &
 multiplicat, gaudere decet ecclesiam, & præ cæ-
 teris *Anglicanam*; ex eo etiam quod idem reg-
 num nostrum decoratur locali tam nobili, colle-
 ctamur; desiderantes eandem Universitatem,
 quæ regiam magnificentiâ multipliciter hono-
 rat, & eo prætextu in regiâ benevolentiam recum-
 bit speciali, nostris intercessionibus apud vestram
 Beatitudinem favoribus propitiis attolli, & uti-
 libus gratiis communiri. Quocirca Sanctitati
 vestræ humiliter supplicamus quatenus in his
 quæ Cancellarius, Magistri & Scholares Uni-
 versitatis prædictæ erga vestram clementiam pro
 honore & commodo ejusdem Universitatis ha-
 buerunt prosequend' eis dignemini sinum libe-
 ralis gratiæ aperire, & supplicand' gratiosius ex-
 audire. Conservet vos altissimus per tempora
 prospera & longæva. Dat' apud Leicest. 13^o
 die Julii, anno regni undecimo.

*The Order of Edw. III. commanding
the Friars to renounce and suspend
the Execution of all Papal Bulls.*

Parl. 40. Ed-
3. Num. 9, 10,
11.

ET issint mesme le lendemain les Universi-
teez de Oxenford & Cantebrigg, & les
Freres de quadre ordres Mendicantz complei-
nantz par lour Peticions mis devant le Roy en
Parlement, sur diverses outrages, debatz, da-
mages & Meschiefs faitz & attemptez d'un part
& d'autre, les Chancellers & Procurours des
ditz Universiteez, & les Provinciales & Mini-
stres des ditz Ordres adonques presentz, & soi
submittantz de tout en l'Ordinance du Roi;
Estoit assentu & ordene par le Roi de l'Assent
des Prelatz, Ducs, Countes & Barons, sur les
ditz debatz, damages, outrages & Meschiefs
de tout ouster & adnuller en manere desouth
escrite. Nostre Seigneur le Roi en ce Parle-
ment eue Deliberacion plein & avys oue les
Prelatz, Grantz, & Sages de son Counseil, sur
diverses grevances, outrages, controverses & de-
batz mevez perentre les Universiteez de Oxen-
ford & Cantebrigg d'un part, & les quadre Ordres
de Freres Mendicantz d'autre part : & monstrez
a lui per lour Peticions en mesme Parlement sur
pluseurs Pointz de Privileges & Immunitiez cla-
mez d'un part & d'autre, en presence des Chan-
celliers & Procurours desditz Universiteez, eantz
plein pour de ditz Universiteez, & de Provinci-
ales & Ministres de ditz Ordres, eantz plein pour
de ditz Ordres, & eux submittantz de leur bon
gree en haut & bas, & sanz ascun retenue ou Re-
seryacion al Ordinance nostre dit Seigneur le Roi,
des pointz de grevances, controverses & debatz,
mues

mues entre eux celle partie de l'assent des ditz Prelatz, Nobles, Grantz & Sages, en mesme le Parlement, pur aise, quieté & tranquillite des ditz Universiteez, & des Estudiantz en ycelles, ad ordeine, voet & commande, que les Chancellers des ditz Universiteez, Maistres, Regentz & Non-regentz, & toutz autres des ditz Universiteez, les Freres des ditz Ordres illeques demurrantz & a demurrer, tretent & amennent en graces & toutes autres choses que touchent fait descoler, & les Freres ensement cecient & contienent devers les Universiteez & chescune persone d'ycele honestement, faunz rumour, & amiablement en toutes choses, solone ce & en manere come soloient & fesoient devant l'Estatut fait nadgairs en les ditz Universiteez. contienent, que nul des ditz Ordres recevroit en lour ditz Ordres Escolers de les ditz Universiteez deinz l'age de 18 ans, quele Estatut le Roi voet que soit oustez & tenu pur nul. Et que nul novel Estatut sembleable, ou Ordinance soit fait en mesmes les Universiteez qui soit prejudiciele as avantditz Freres faunz bon & mature deliberacion. Et aussi voet le Roi, que l'Execucion de touz les Impetracions des Bulles & Proces, faitz ou pursuite ou affaire ou pursuer en temps avenir en la Court de Rome, & aillours par les Freres des ditz Ordres, ou nul persone singulere de ycelles en general ou especial, cointre la dite Universitie, ou ascune persone d'ycele, puis la fessance du dit Estatut, cesse de tout, & soit mys a neant. Et ensement, que mesmes les Freres renoncien de fait & parole a tout avantage que prendre peussent per vertu de touz tieux impetracions faitz per eux ou nul de eux contre les ditz Universiteez, ou ascune persone d'ycelles, en general ou especial, & proces si nul soit.

commence ou fait; celle partie sur mesmes les Impetracions puis la dite Ordinance de l'Estatut fait per les ditz Universitez, encea de tout cessent & perdent force & vigour.

Prohibitio Regis, Archiepisc. &c. de Collegiis visitandis.

+ Pat. 17. Ric. 2. Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Offic. Pars 1. M. 27. Cancellar. Præcentoribus, Præpositis, Sacristis, Dorſ. de Pro- Præbendariis in Ecclesiis Cathedralibus sive Col- hibitione Ox- legiatis, & omnibus aliis personis Ecclesiasticis in on. quâcunque dignitate vel officio constitutis, nec non notariis publicis quibuscunque ad quos &c. salutem. Cum in statutis & ordinationibus Collegii vocati *La Queenhalle* in Oxon. quod de nostro patronatu existit, *inter cetera continetur*, quod Archiepiscopus Eborum pro tempore existens statum Collegii prædicti supervidere, Præpositumque ejusdem cum electus fuerit, confirmare, & in quibusdam casibus deponere, ac discordias & contentiones omnimodas ibidem quæ per Præpositum & Scholares Collegii prædicti commodè sedari non possunt, censere debet & terminare. *Ac jam Archiepiscopus & Predecessores sui à primævâ fundatione Collegii prædicti*, in possessione visitationis & jurisdictionis ejusdem, absque eo, quod aliquis ordinarius, nisi idem Archiepiscopus & deputandi ab eodem, officium visitationis sive jurisdictionis, vel aliquam aliam Jurisdictionem ordinariam in Collegium prædictum seu Præpositum aut Scholares, seu Ministros ejusdem hucusque exercere consueverat: Sunt nonnulli nitentes jus nostrum regium enervare, ac * Coronam nostram in hac parte exhæredare, nec non statuta & ordinationes hujusmodi

* Nota.

hujusmodi annullare, & ipsum Archiepiscopum & deputand' ab eodem quo minùs ipsi hujusmodi jurisdictionem habere possint, impedire, quamplures processus ad Collegium prædictum per alios quàm per prædictum Archiepiscopum, seu deputandos ab eodem visitari, & jurisdictionem ordinariam in prædictum, ac Præpositum & Scholares, nec non ministros ejusdem exerceri faciend' persecuti fuerunt, & indies prosequuntur, & ipsos Præpositum, Scholares, & Ministros eâ de causâ multipliciter inquietant & molestant minùs justè, *ut accepimus*, in nostri contemptum & præjudicium, & † juris nostri *Nota.* regii annulationem & Coronæ nostræ exhæredationem, & jurisdictionis prædicti Archiepiscopi annulationem manifestam: Nos jura Coronæ nostræ regie, ac jurisdictionem ipsius Archiepiscopi in hac parte illæsâ observare, & hujusmodi præjudicialibus obviare volentes, vobis & cuilibet vestrum districtè quo possumus prohibemus, ne quicquam in nostri contemptum vel præjudicium, aut Coronæ nostræ regie exhæredationem, seu jurisdictionis ipsius Archiepiscopi in hac parte annulationem seu derogationem, seu ipsorum Præpositi, Scholarium & Ministrorum in hac parte, inquietationem seu molestationem cedere valeat, attemptetis, seu attemptare præsumatis quovismodo. Et siquid per vos vel aliquem vestrum in hac parte minùs ritè attemptatum sive factum, id sine dilatione aliquâ revocetis & revocari faciatis sub periculo quod incumbit. In cujus, &c. T. Rege, apud Westm. 26 die Junii.

Breve

Breve Regis Cancellario Universitatis
Oxon. de summonitione Doctorum,
ad examinandum errores &
Hereses Wyclivii.

Clauſ. 19. Ric.
2. pars 1. M.
20. de quodam
Libro vocat.
Trialogus, &
aminatio.

R E X Cancellario Universitatis suæ Oxon.
salutem. Famâ celebri divulgante nostris
aureibus jam noviter est intimatum, quod quàm
plures opinioniones nephariæ & allegationes dete-
stabilis in quodam libro ex compilatione Johan-
nis Wyclif Trialogus vulgariter nuncupato, hæ-
reses & errores notoriè includentes, ac sacris de-
terminationibus & canonicis sanctionibus sanctæ
Matris Ecclesiæ, & maxime consecrationi sacra-
mentali multipliciter repugnantes, continentur
& conscribuntur, ex quorum publicatione &
reſena doctrinâ populus Christianus, qui ex al-
lectione & instigatione latentis inimici prionior
est ad malum quam ad bonum, & præsertim his
diebus, quod absit, infici potest, & per conse-
quens dampnabiliter labi & decidere in errores,
unde non modicum esset condolendum. Nos
zelo fidei Catholicæ, cujus † lumen & erimus
Deo dante Defensores, salubriter commoti, no-
lentesque hujusmodi hæreses aut errores infra
terminos nostræ potestatis, quatenus poterimus,
sustinere, imo pro eis penitus reſecandis & de-
lendis brachium sæculare apponere cupientes:
*Fas in fide & ligantia, quibus nobis tenemini sub so-
risfactura omnium que nobis forisfacere poteritis, in-
jungimus & mandamus,* quatenus omnes & sin-
gulos Doctores Theologiæ ejusdem Universita-
tis, Regentes & non Regentes, ad certos dies eis
per vos ex parte nostrâ præfigendos & statuen-
dos, convocari, & librum illum in præſentiâ ve-
strâ

† Nota.

strâ & eorundem Doctorum presentari, & publice & expresse perferuari, perlegi & examinari, nec non quoscunque hæreses & errores quos vos in libro prædicto per vos & eosdem Doctores reperiri contigerit, in scriptis redigi & intitulari faciatis, & Nobis de eorum & singulis, quæ in præmissis senseritis seu inveneritis, una cum singulis attestationibus & opinionibus Doctorum prædictorum in Cancellariam nostram sub sigillo vestro distinctè & aperte sine dilatione reddatis certiones, ut his inspectis & mature ponderatis, ulterius de avisamento consilii nostri ordinare valeamus, prout pro fulcramento fidei catholicæ & defensione regni nostri fore viderimus salubrius faciendum. Teste Rege apud Ledes, 18vo die Julii.

Per ipsum Regem & consilium.

Aliud Breve Regis ad idem.

REX Cancellario Universitatis suæ Oxoniæ salutem. Cum, prout ex certâ relatione sanè didicimus, quidam iniquitatis filii, suæ salutis immemores in Universitate prædictâ commorantes & scholarizantes, & præsertim Robertus Lychlade qui prophanè conversari permittitur in eadem, opiniones nepharias ac conclusiones & allegationes detestabiles fidei Catholicæ multipliciter repugnantes in Universitate illâ ac aliis locis clandestinis diu publicaverint, communicaverint, & docuerint, & tanquam Zizania in populo seminaverint, & adhuc publicare, communicare & docere intendunt dampnabiliter & iniquè, in fidei Catholicæ læsionem, & Universitatis prædictæ subversionem evidentem, nisi brachio regis Majestatis citius resistatur.

*Ibid. M. 24.
intus. De
Lollardis &
aliis Hæresim
prædicantibus
extra Universi-
tatem amovendis.*

tur. Nos, ne populus regni nostri (cujus regimen nobis ab alto committitur) per hujusmodi opiniones nefarias, ac conclusiones & allegationes detestabiles, latentis inimici nequitia indies invalescente, quomolibet inficiatur, desiderantes Universitatem illam, quæ rore & deliciis scientiæ liberalis, & virtute hætenus potissimè reflorebat, ab hujusmodi erroribus quatenus poterimus expurgari: Vobis præcipimus firmiter injungentes, quòd omnes & singulos Lollar-dos, & alios pravitate hæreticâ notoriè suspectos, in Universitate prædictâ commorantes, & præsertim præfatum Robertum, si per inquisitionem vel alio modo legitimo ipsum talem coram vobis reperiri contigerit, qui eandem Universitatem, tanquam ovis morbida, gregem inficere formidatur, ab eadem Universitate amoveri & expelli, & rebelles quos in hac parte inveneritis, coram nobis & consilio nostro de tempore in tempus duci faciatis, ut tunc pro eorum punitione ordinare valeamus, prout de avisamento dicti consilii nostri fore viderimus salubrius faciendum. Teste Rege apud *Ledes*, 18^o diæ Julii. Per ipsum Regem & Consilium.

Charta Edvardi tertii Universitati Oxon. concessa, gerens dat. 27^o Junii.

Pat. 29. Edv. 3.

Num. 5. & in

piz. N. N. in

turri schol.

Num. 5. a, b, c.

& in A. fol.

13. &c. per

mod. inspec.

& in B. 9. C.

87. eod. modo.

EDVARDUS Dei gratiâ, &c. Odi-namus & concedimus pro nobis & hæ-redibus nostris, & in hac chartâ nostrâ con-firmamus, quòd Cancellarius ipsius Univer-sitatis, & successores sui, & eorum vices ge-rentes, soli & in solidum, & in perpetuum, in villâ Oxon. & suburbiis ejusdem habeant custo-diam

diam Affizæ panis, vini & cervisie, ac correctionem & punitionem ejusdem, cum finibus, amerciamientis & proficiis aliis provenientiibus in hac parte, reddendo nobis & hæreditibus nostris centum solidos annuatim, viz. 50 sol. ad scaccariam nostram Mich. & 50 sol. ad scaccariam nostram Paschæ. Concedimus etiam quod Cancellarius solus & in solidum, ac successores sui, &c. habeant custodiam Affizæ & Affaiz, nec non supervisum mensurarum & ponderum in dicta villa Oxon. ac suburbis ejusdem: ita quod ipse Cancellarius, vel ejus vices gerens, quoties opus fuerit, dicta mensuras & pondera supervideat, & ea quæ falsa invenerit, comburi & destrui faciat, nec non transgressores, quos in hac parte invenerit, debite puniat & castiget: ita tamen quod forisfacturæ, & alia proficia inde provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori & Ballivis dictæ villæ, levandas per eos in auxilium firmæ sue villæ prædictæ, sicut & prout hætenus est obtentum.

Item concedimus eidem Universitati, quod Cancellarius qui nunc est, & successores sui, vel eorum vices gerentes in perpetuum, soli & in solidum habeant potestatem inquirendi & cognoscendi de Forstallatoribus & Regrariis, Carnibus & Piscibus putidis, vitiosis, & aliis incompetentibus, in dicta villa Oxon. & suburbis ejusdem, & super his punitionem debitam faciendi: sic tamen quod forisfacturæ & amerciamenta inde provenientia per ipsum Cancellarium adjudicentur, & Hospitali nostro sancti Johannis dictæ villæ liberentur, prout est fieri consuetum. Et licet Major, Ballivi, Aldermanni, seu alii homines dictæ villæ & suburbiorum ejusdem, de præmissis non debeant se intromittere; volumus tamen & mandamus, quod super

super his omnibus & singulis Cancellario dictæ Universitatis, qui pro tempore fuerit, pareant humiliter & attendant.

Item, Ad tutorem & vindictam malorum, ac securitatem & solatium bonorum ibidem proficientium, ordinamus & concedimus pro nobis & heredibus nostris, quod Cancellarius dictæ Universitatis, qui pro tempore fuerit, Scholarum & Laicos ibidem contra statuta Universitatis arma portantes & delinquentes, per incarcerationem & alia castigare debite valeat, & puniat, & arma, que sic contra dicta statuta portata fuerint, ubi sibi commissa & forisfacta, modo confitei potere, capere & habere: ac hujusmodi delinquentes obstinatos, & rebelles eorum dicto Cancellario, in casibus ad cognitionem suam spectantibus, compungere & juri stare non timentes, à dictis Universitate & Villa bannire, & aliis modis eos per censuras ecclesiasticas procedere, proinde in casibus consuetum est fieri temporibus remanere.

Item, Cum ad dictam Universitatem (ad quam tam Nobiliam quam Popularem, alienigenarum & indigenarum, multitudo confluit) decet munditia & honestas, volumus, quod ceteris & vici dictæ ville, & suburbiorum ejusdem, à fœmis, sordibus, & fetoribus, mundi conserventur & honeste, amotis truncis, lignis, & aliis pro transitu libero, honestate & munditie nocivis, quod pavimenta dictæ ville, & suburbiorum ejusdem, semper, cum & ubi opus fuerit, congrue reparentur, & quod Cancellarius dictæ Universitatis, qui pro tempore fuerit, & ejus vices gerens, ad hoc homines dictæ ville, & suburbiorum ejusdem, & alios quibus incumbit, quos eidem Cancellario & ejus vices gerenti parere volumus in hac parte, possit per censuras ecclesiasticas compellere, absque proficuo

proficuo suis usibus applicando; & prohibito nostra seu hæredum nostrorum, si contra præmissa facta fuerint, vires non habeat nec effectum.

Item, Cum Læici plerunque sicut Scholaribus, sic & eorum servantibus, sint infensi; ordinamus & concedimus, & hac charta nostra confirmamus, pro nobis & hæredibus nostris, quod cum ministri dictæ Universitatis, & servientes Clericorum, ad quotam aliquam solvendam de bonis suis in villa prædicta & suburbis ejusdem, assidendi fuerint vel taxandi, Cancellarius dictæ Universitatis, vel ejus vices gerens, & non Major seu homines dictæ villæ, dictos ministros & scholarium servientes, viz. familiares, scriptores, illuminatores pergamentarios, ad quotas hujusmodi fideliter & rationabiliter, prout alii homines dictæ villæ & suburbiorum ejusdem assessi fuerint, juxta quantitatem bonorum suorum taxabiles, in perpetuum assideant atque taxent, & pecuniam sic assellam per ministros suos levare faciant, Majori & Ballivis dictæ villæ per indebituram liberandam. Et si homines dictæ villæ de taxatione per prædictum Cancellarium nullæ factæ conquesti fuerint, super hoc per ministros nostros celeriter inquiratur, & defectus, qui repertus fuerit, debite corrigatur. Volentes autem & concedimus, quod Cancellarii Universitatis prædictæ, qui pro tempore erunt, & eorum vices gerentes, præmissis omnibus, & singulis eis, in forma prædicta concessis, plenè, libere & integrè gaudeant & utantur, juxta formam ordinationum & concessionum prædictarum, non obstantibus privilegiis, libertatibus, consuetudinibus, seu compositionibus contrariis quibuscunque.

Item, Volentes indemnitati prospicere scholarium, qui fuerunt in dicta turbatione de bonis suis depredati, qui forsan timore irregularitatis non audent

audēt prosequi criminaliter contra depradatores hujusmodi, pro recuperatione bonorum suorum sic furto vel vi ablatorum, concessimus de gratiâ nostrâ speciali, pro nobis & heredibus nostris, quantum in nobis est, omnibus & singulis magistris & scholaribus dictæ Universitatis, & eorum servientibus, qui in dictâ turbatione bona sua sic furto vel vi amiserunt, quod ipsi, vel Cancellarius & Procuratores dictæ Universitatis eorum nomine, absque inquietatione vel molestatione nostri, vel heredum nostrorum, seu ministrorum nostrorum quorumcunque, bona sic furata vel depradata, à dictis furibus seu depradatoribus, vel aliis quibuscunque, ad quorum manus hujusmodi res pervenerint, licet recipere & tenere possint, licet contra dictos fures vel captores, ad panam sanguinis non fuerint persecuti.

Item, Ad maiorem securitatem & quietem studentium in Universitate prædictâ, pro perpetuo ordinamus & concedimus, pro nobis & heredibus nostris, quod quilibet Vicecomes Oxon. qui pro tempore fuerit, in receptione Commissionis sue, juramentum præstet corporale, quod magistros & scholares Universitatis Oxon. & eorum servientes, pro viribus, ab injuriis & violentiis proteget & defendat, & pacem in Universitate prædictâ, quantum in ipso est, faciat conservari, præfatis Cancellario & scholaribus, ad puniendum pacis perturbatores ibidem, juxta privilegia & statuta Universitatis prædictæ, semper cum opus fuerit, præstabit consilium & juvamen, & ad privilegia, libertates & consuetudines dictæ Universitatis defendenda, pro viribus opem feret : & quod à subvicecomite suo, & aliis ministris suis in comitatu prædicto, statim cum post susceptum officium ad castrum vel villam Oxon. declinaverit,

in

in præsentia alicujus ex parte Universitatis ad hoc deputandi, consimile accipiet juramentum; ad quod, ipsos ministros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc addi formæ juramenti Vicecomitis dicti loci, in receptione commissionis suæ præstari consueti.

Cæterum quia super pœnis pro securiori conservatione pacis ipsius Universitatis statuendis, ac super aliis, quæ juxta submissiones prædictas, ad perpetuam præmissorum memoriam, piè per Dei gratiam facere proponimus, jam ordinare non possumus, variis & arduis negotiis præpediti, ordinationem hujusmodi specialiter reservamus. His testibus, venerabilibus patribus, *Johanne Archiep. Eboracensi, Anglia Primate, Cancellario nostro; Guliel. Wintoniensi Episcopo, Thesaurario nostro; Magistro Michael de Northburgh, electo London. confirmato; Henrico Duce Lancastria; Gulielmo de Bohun, Northamptoniensi, Rich. Arundell, Thomâ de Bello Campo, Warwicensi, Rogero March, Guiliel. Sarum, Johanne de Veer, Oxon. Comitibus; Galfredo de Say, & Johanne de Grey de Rotherfeild, Seneschallo Hospitii nostri; & aliis.*

*Epistola Edvardi III. Regis Angliæ,
Summo Pontifici, & Cardinalibus, &c.*

Venerabili in Christo patri Domino H. Dei gratiâ S. Mariæ in Aquiro Diacono Cardinali, amico suo carissimo, Edvardus, &c. salutem & sinceræ dilectionis affectum. Quòtenuerius diligimus Magistrorum & Scholarium Universitatis Oxonia tranquillitatem & quietem,

Rot. Romæ, An. 3. E. 3. m. 5. intus, pro Magistris & Scholaribus Universitatis Oxon.

ut literarum studiis sedulò insistentes, in ecclesiâ Dei fructus afferant liberiores, ad illuminationem populorum temporibus opportunis; eò solertiùs agemus, ut ab eis cujuscunque inquietudinis amoveatur occasio, transferatur materia scandalorum. *Cum itaque intelleximus*, quòd venerabilis pater Dominus Gaillardus de Monte S. Lucie in Cilice Diaconus Cardinalis, Archidiaconus Oxon. ipsos Magistros & Scholares, super juribus & consuetudinibus suis, quibus hætenus usi sunt in Universitate prædictâ, ut asseritur, per processus varios hucusque inquietavit, & adhuc inquietat: Nosque præmissam dissensionem molestè ferentes, Domino Summo Pontifici duximus supplicand. ut præfato Cardinali jubere dignetur, ipsumque inducere salubribus hortamentis, quòd omnino supersedeat inquietationibus supradictis, vel saltem assensum præbeat, quòd negotium illud aliquibus Prælati de regno nostro *Anglia* committetur audiend. & sine debito terminand. ne, quod absit, propter vexationes nimias dictæ Universitati immineat dispersio vel ruina. *Vestram igitur paternitatem (de quâ confidimus) rogamus & requirimus ex affectu*, quatenus Universitatem prædictam recommendatam habentes, penes præfatum Dominum Summum Pontificem, nec non & penes ipsum Dominum Cardinalem insistere velitis, modis quibus videritis expedire, ut, pro pace & quiete in dictâ Universitate confovendis, velint in præmissis condescendere votis nostris. Dat. apud * Olthum 13^o die Maii.

* *Eltham.*

*Licentia Ricardi II. Scholaribus Juris
Canonici & Civilis, ad celebrandas
Conventiculas, &c.*

REX universis & singulis Doctoribus, Baccalaureis & Scholaribus juris Canonici & Civilis, in Universitate Oxon. studentibus & degentibus, salutem. Ut pro communibus negotiis vos ac gradus & facultates vestras concernentibus, in curiis nostris regiis & alibi infra regnum nostrum Angliæ prosequend. in Universitate prædictâ, in numero moderato, pacificè & absque tumultu convenire, ac invicem super negotiis illis communicare & tractare, consiliaque vestra in hac parte inire & tenere, & procuratores vestros ad negotia prædicta ritè & debitè prosequend. in formâ juris constituere & ordinare, quoties & quando vobis videbitur expedire, liberè & impunè valeatis, licentiam vobis tenore præsentium duximus concedend. aliquâ inhibitione nostrâ de conventiculis, congregationibus seu confæderationibus illicitis, in Universitate illâ faciendis, vobis priùs factâ aut directâ, non obstante. Dum tamen Cancellarius & Procuratores, seu alii ministri Universitatis prædictæ, in executione officiorum suorum secundùm statuta & ordinationes dictæ Universitatis faciendâ, colore præsentis licentiæ nostræ nullatenus perturbentur, nec pax nostra ibidem aliquâliquer violetur. *Et hoc, vobis, & omnibus aliis quarum interesse poterit, innotescimus per præsentem. In cujus, &c. Teste Rege apud Westm. 18^o die Feb.*

*Pat. 8. R. 2.
m. 35. intus,
pro Doctorib.
Baccalaur. &
Scholar. juris
Can. & Civil.*

† Pat. 8. E. 3.
pars 2. dorf.
23. de infor-
matione ca-
piendâ.

* Nota.

REX dilectis & fidelibus suis, venerabilibus patribus in Christo, Ricardo Episcopo Dunelm. Cancellario suo, Rogero Coven. & Lich. & Willielmo Norwicen. Episcopis, salutem. Petitio Cancellarii Universitatis nostræ Oxon. coram Nobis & Consilio nostro in Parlamento nostro exhibita, continebat; quod in villâ Oxon. ubi Universitas prædicta diu est, extitit & adhuc existit, inter Scholares ejusdem Universitatis, & eorum familiares & servientes, graves dissensiones & discordiæ subortæ fuerunt, & indies oriuntur; ex quibus pax nostra læditur, & populus noster partium illarum terretur, malaque alia innumera hætenus provenerunt, & proveniunt hiis diebus; & nihilominus verisimiliter timetur quod dispersio Universitatis prædictæ inde proveniat, nisi citius super hoc per Nos opponatur remedium opportunum. Nos considerantes, quod per * Universitatem prædictam fides Christiana defenditur & dilatatur, ac regnum nostrum, ac incolæ ejusdem regni multipliciter exornantur: Volentesque dictam Universitatem & ad eandem declinantes & ibidem conversantes in pace & tranquillitate defendere, & si quæ in contrarium attemptata fuissent, prout justum fuerit, punire; ac de vestris fidelitate & circumspectione providâ plenius confidentes, assignavimus vos, conjunctim & divisim, ad infermand. vos vel aliquem vestrum, per Cancellarium, Procuratores, Magistros, & Scholares Universitatis prædictæ, & aliis viis & modis quibus expedire videritis, super dissensionibus & discordiis supradictis, & earum causis, & per cujus vel quorum culpam dissensiones illæ & discordiæ oriebantur; nec non ad tractand. cum eisdem Cancellario, Procuratoribus, Magistris,

Magistris, & Scholaribus, super dissensionibus & discordiis prædictis, qualiter, viz. ad maiorem & perpetuam quietem & tranquillitatem Universitatis prædictæ sopiri valeant, seu etiam reformari; & ad certificand. Nos de eo quod per vos in præmissis factum fuerit & tractatum; ita quòd Nos inde certiorati in præmissis, cum deliberatione providâ fieri faciamus quòd Nobis & Consilio nostro fore videbitur faciend. *Et ideo vobis mandamus, quòd vos vel aliquis vestrum ad villam prædictam accedatis vel accedat, & ad certum diem, quem vos duo vel unus vestrum ad hoc provideritis vel providerit, præmissa omnia & singula fac. in formâ prædictâ; non obstantibus aliquibus libertatibus, privilegiis, aut statutis: Innotescentes eisdem Cancellario, Procuratoribus, Magistris, & Scholaribus, & aliis quorum interest, ex parte nostrâ, quòd nisi à malis huiusmodi se retrahant, & reformationi dissensionum & discordiarum prædictarum citius inclinent, ipsos & eorum quemlibet taliter puniri & castigari faciemus, quòd eorum punitio aliis cedet in terrorem & exemplum mala huiusmodi futuris temporibus perpetrandi. Mandavimus enim Cancellario, Procuratoribus, Magistris, & Scholaribus Universitatis prædictæ, quòd in præmissis vobis duobus vel uni vestrum assistant, pareant & intendant. In cuius, &c. Teste Rege apud Westm. 20^o Septembris.*

Per ipsum Regem & Consilium.

*Ibid. dorf. 20.
pro Cancellar.
Procuratori-
bus & Schola-
ribus Univer-
sitatis Oxon.*

REX Majori & Ballivis Oxon. salutem. Ex gravi querelâ Cancellarii, Procuratorum, & Scholarium Universitatis nostræ Oxon. intelleximus, quod quamplures malefactores & pacis nostræ perturbatores, tam Scholares quàm alii, ad dictam villam & ejus suburbia frequenter accedentes, & in eisdem commorantes, diversas transgressiones ibidem hactenus perpetrarunt & perpetrant, & post transgressiones per ipsos factas, infra villam prædictam, quandoque in suburbiis ejusdem, & aliis locis vicinis, receptantur & hospitantur. Et licet dicti Cancellarius & Procuratores frequenter vobis mandaverint, & penes vos cum diligentia fuerunt prosecuti, quod ad hujusmodi malefactores insequend. arrestand. & capiend. intendentes essetis, & auxiliantes; vos tamen quicquam ad hujusmodi mandata facere neglexistis, per quod transgressiones sic perpetratæ multoties impunitæ remanserunt, & dicti transgressores sibi audaciam assumpserunt majora facinora perpetrandi, in ipsorum Cancellarii, Procuratorum, & Scholarium damnum non modicum & effectus, studii retardationem, & populi nostri partium illarum terrorem manifestum, unde perturbamur non immerito & movemur: Nos hujusmodi malitiis obviare, & transgressores prædictos, juxta eorum demerita in hac parte, castigari volentes, prout astringimur, & puniri: vobis præcipimus firmiter injungentes, quod ad hujusmodi transgressores in villâ prædictâ, & ejus suburbiis, tam infra libertates quàm extra, insequend. arrestand. & capiend. sumpto ad hoc, si necesse fuerit, posse villæ prædictæ, intendentes sitis & auxiliantes, quoties super hoc per prædictos Cancellarium & Procuratores, qui

pro

pro tempore fuerint, fueritis præmuniti. Sci-
entes, quòd nisi præmissa in formâ prædictâ di-
ligentiùs exequamini, dissimulare nolumus;
quin ad vos, tanquam mandatorum nostrorum
contemptores, & pacis nostræ perturbatores, &
malefactorum prædictorum manutentores, non
immeritò capiemus. Mandavimus enim Vice-
com. Oxon. & Berks. quòd ad malefactores præ-
dictos, ubicumque in locis prædictis dictæ villæ
Oxon. vicinis inventi fuerint, tam infra liberta-
tes quàm extra, insequend. & capiend. quoties
per præfatos Cancellarium & Procuratores
requisitus seu præmunitus fuerit, pareat & in-
tendat, sumpto ad hoc, si necesse fuerit, posse
comitat. prædictorum. *In cujus, &c.* Teste
Rege apud Westm. 3^o die Octobris.

Per ipsum Regem & Consilium.

REX Vicecom. Oxon. & Berks. salutem. †
Cum nuper ex gravi querelâ Cancellarii,
&c. ut supra mutatis mutandis, usque ibi, fuerint
præmuniti; tunc sic. Tibi præcipimus, quòd
ad malefactores prædictos ubicumque in ballivâ
tuâ inventi fuerint, tam infra libertates quàm
extra, insequend. & capiend. quoties per præ-
fatos Cancellar. & Procuratores requisitus seu
præmunitus fueris, pareas & intendas, sumpto
ad hoc, si necesse fuerit, posse Comitatu præ-
dictorum. *In cujus, &c.* Teste ut supra.

REX *Majori & Ballivis villa sue Oxon. salutem.* Cùm diversæ diffensiones & discordiæ nuper inter Scholares Universitatis villæ prædictæ, & eorum familiares ac servientes, in eâdem villâ exortæ, & homicidia, deprædationes & alia mala ibidem perpetrata fuissent; ac intellexerimus, quòd nonnulli Scholares, tam, viz. illi qui post facinora & mala prædicta retraxerunt, quàm alii, ad eandem villam manu armatâ veniunt, & diversas armaturas secundùm indies ducunt & duci faciunt, easdem armaturas in hospitiiis suis detinentes, tam publicè quàm occultè, per quod timendum est, quòd mala pejora exinde poterunt de facili evenire. Nos volentes hujusmodi malis, viis & modis quibus poterimus, præcavere, & quieti & tranquillitati Scholarium Universitatis prædictæ, & aliorum in eâdem villâ degentium, & ad eandem confluentium, providere: Vobis præcipimus firmiter injungentes, quòd statim, visis præsentibus, tam in villâ prædictâ, quàm in suburbiis ejusdem, ubi expedire videritis, publicè proclamari, & ex parte nostrâ firmiter inhiberi fac. ne qui Scholares, seu alii, ad dictam villam sub colore studendi venientes, armaturas aliquas ad villam prædictam deferant, seu deferri fac. aut eas in domibus aut hospitiiis suis retineant; nec quòd aliqui de villâ & suburbiis prædictis, aut alii ad ea declinantes, armaturas aliquas Scholaribus prædictis, de præstito, ministrent seu faciant ministrari, sub poenâ incarcerationis corporum suorum ad voluntatem nostram, & amissionis armaturarum prædictarum: & de nominibus illorum, quos post proclamationem & inhibitionem prædictas contrarie inveneritis, facientes Nobis sub sigillis vestris de tempore

tempore in tempus, distinctè & apertè constare fac. ut nos inde certiorati, eos juxta demerita puniri faciamus: Taliter in executione hujus Mandati nostri vos habentes, quòd propter tepiditatem seu remissionem vestras in hac parte, non habeamus materiam ad vos graviter capiendi. *Teste ut supra.*

Per ipsum Regem & Consil.

REX Cancellario & Procuratoribus Universitatis suæ Oxon. salutem. Cùm diversæ dissensiones, &c. *ut supra usque* de facili evenire; quòdque vos diversas poenas & punctiones scholaribus Universitatis prædictæ, pro hujusmodi maleficiis per ipsos ante hæc tempora commissis, infligend. contra statuta & privilegia Universitatis prædictæ, & sacramenta per vos in hac parte præstita, remisistis; quo prætextu dicti malefactores, & alii, majorem audaciam sibi assumpserunt delinquendi: Nos volentes hujusmodi malis, viis & modis quibus poterimus, præcavere, & tranquillitati scholarium; &c. *ut supra,* & ad eandem confluentium providere; Vobis firmiter injungendo mandamus, quòd Scholares Universitatis prædictæ præiungere, eisque ex parte nostra firmiter inhiberi fac. ne quis eorum, aut eorum familiares, seu servientes, armaturas aliquas ad villam prædictam, vel suburbia ejusdem deferant, seu deferri fac. seu eas in domibus aut hospitiiis suis retineant, publicè vel occultè; & nichilominus diligens scrutinium post præmunitionem & inhibitionem prædictas in domibus & hospitiiis suis de hujusmodi armaturis fac. & contravenientes in hac parte juxta privilegia & statuta vestra, & sacramenta prædicta puniatis, nemini prædictorum

Ibidem.

dictorum contravenientium in hac parte partem : Scientes, quod nisi præmissa cum majori diligentia feceritis, ad vos, & statuta & privilegia prædicta, prout convenit, capiemus. *Teste ut supra.*

*Pat. 13. Edv. 3.
pars 2. m. 28.
intus. Quod
venella villa
Oxon. munda-
ta custodiam-
tur.*

REX dilectis & fidelibus suis Cancellar. Universitatis Oxon. & custodi domus de Merton. ibidem, qui nunc sunt, vel qui pro tempore erunt, salutem. Sciatis, quod cum nuper datur nobis intelligi, quod quamplures grosse Bestiæ, videlicet, boves, vacca, porci, oves, vituli, & alia huiusmodi, in diversis locis infra muros villæ prædictæ indies mactata fuerunt, & etiam quod tot fimi & fimarum, ac alia foeditates, in stratis, vicis & venellis villæ illius, infra eosdem muros extiterunt; quod per abominabiles fectores, quæ ex mactatione dictarum bestiarum, ac foeditate fimorum & fimariorum huiusmodi provenerunt, aer ibidem in tantum inficiebatur, quod quidam, tam magnatum & aliorum ad dictam villam declinantium, quam Scholarium & Burgensium, ceterorumque in villâ prædictâ degentium, gravibus corporum suorum infirmitatibus sæpius detinebantur, & exinde aliqui moriebantur: Volentes huiusmodi malis & periculis præcavere, & sanitati prædictorum, ac honestati villæ prædictæ, * maxime dum Magistrorum & Scholarium Universitatis ibi viget, providere, per breve nostrum mandaverimus Majori & Ballivis villæ prædictæ, quod in villâ prædictâ ubi expedire viderint publice proclamari, & ex parte nostrâ firmiter inhiberi facerent, ne qui carnes, aut alii huiusmodi, grossas bestias infra muros prædictos mactarent, nec Burgenses seu alii fimos, fimar. five alias foeditates in stratis, vicis & venellis præ-

* Nota.

prædictis, ubi communis est hominum transitus, ponerent, seu poni facerent, nec fieri permitterent; sed quòd statim factâ proclamatione hujusmodi, illos per quos hujusmodi firmi, sumarii & sorditates sic ponerentur, dictas stratas, vicos & venellas sine dilatione aliquâ inde mundare, & mundatos custodiri facerent. Ac iidem Major & Ballivi nobis retornaverint, quòd à tempore quo non extat memoria, certus locus deputatus & ordinatus extitit pro carnificibus ad bestias ibidem mactand, & etiam carnes vendend: qui quidem locus arentatus fuit ad centum solidos in firmâ villæ prædictæ. Itâ quòd dicti carnifices in loco isto à tempore prædicto sine interruptione officium suum prædictum exercuerunt, & quòd sine diminutione firmæ prædictæ alibi locus aliquis pro officio prædicto exercend. provideri non potuit, per quod nos breve nostrum prædictum per ipsos Majorem & Ballivos sic indorsatum, & coram nobis in Cancellariâ nostrâ retornatum coram dilectis & fidelibus nostris *Richardo Wylughby*, & sociis suis Justic. ad placitâ coram nobis tenend. assign. misimus; mandantes, quòd inspectis brevi & indorsamento prædictis, vocatisque coram nobis præfatis Majore & Ballivis, & aliis qui forent evocandi, & auditis tam prædicti Cancellar. aut Procuratorum Universitatis prædictæ, quàm dictorum Majoris & Ballivorum rationibus hinc & inde, ulterius in hac parte facerent quod de jure & rationabiliter fore viderent faciend. Et quia vocatis coram nobis præfatis Majore & Ballivis in formâ prædictâ, qui coram nobis juxta præmunitionem eis inde factam per *Robertum de Haverbergh* attorn. suum comparuerunt, & auditis tam ipsius Cancellar. quàm Majoris & Ballivorum prædictorum in hac parte rationibus, præmissisque omnibus & singulis coram nobis processu debito deductis,

deductis, consideratum fuit, quòd communis
 maſtatio groſſarum beſtiarum in loco prædicto
 in commune dampnum & oppreſſionem populi
 noſtri de cætero non fiat, & per breve noſtrum
 de judicio ſub teſtimonio prædicti *Richardi* Vic.
 noſtri *Oxon.* exitit demandatum, quòd hujus-
 modi maſtationem beſtiarum ibidem, aut fimos,
 fimarios, ſeu alias fœditates in locis publicis
 ejusdem villæ in oppreſſionem & commune
 dampnum populi, de cætero fieri non permitte-
 rit, ſicut per tenorem recordi & proceſſus inde
 habitorum, quem coram nobis in Cancellar.
 noſtrâ, certis de cauſis venire fecimus nobis con-
 ſtat: quod quidem mandatum præſatus Vic.
 hætenus facere reſuſavit, ut accepimus. Nos
 volentes ea quæ ſic in curiâ noſtrâ conſiderata
 exiſtunt executioni debitæ demandari; assigna-
 vimus vos ad ſupervidend. & ordinand. quod
 huiusmodi groſſæ beſtiæ in loco prædicto non
 maſtentur, nec quod ſimi, ſimarii, ut aliæ fœ-
 ditates prædictæ in locis publicis ejusdem villæ
 ponantur, nec fiant; ſed quòd prædicti ſtratae,
 vici & venellæ de ſimis, ſimariis & fœditatibus
 prædictis mudentur, & mundaſti cuſtodiantur,
 ex cauſis præmiſſis, juxta formam conſideratio-
 nis ſupràdictæ, & ad informand. vos per inqui-
 ſitiones tam per Clericos quàm per Laicos villæ
 prædictæ inde quotiens opus fuerit capiend. de
 veritate præmiſſorum, & ad illos quos culpabi-
 les vel rebelles inveniri contigerit, per amer-
 ciamenta, & aliis modis prout expedire videri-
 tis, & rationabiliter faciend. fuerit, puniri fa-
 ciend. conſideratâ diligentius qualitate & quan-
 titate delicti in hac parte. Et ne executio præ-
 miſſorum per abſentiam, contrarietatem, aut
 reſuſationem veſtram, præſate Cuſtos, retarde-
 tur; Volumus, & vobis, prædicte Cancellar.
 ſamur tenore præſentium poteſtatem, præmiſſa
 omnia

omnia & singula juxta formam considerationis prædictæ; sicut prædictum est, faciendi & exequendi, quotienscumque opus fuerit; & vos, præfate Custos, si hoc facere recusaveritis vel nolueritis, dum tamen sitis per vos, præfate Cancellar. ad præmissa unà vobiscum, prædictæ Cancellar. faciend. cum ea fieri debeant, debite præmuniti. Et ideo vobis mandamus, quòd circa præmissa, quodcumque opus fuerit, intendatis, & ea exequamini, & fieri fac. in formâ prædictâ. Damus autem universis & singulis villæ prædictæ quorum interest, ac Vic. nostro Com. prædicti, tenore præsentium, in mandatis, quòd vobis in præmissis omnibus & singulis in formâ prædictâ pareant & intendant quotiens & prout eis scire feceritis ex parte nostrâ. In cujus, &c. Teste præfato Custode apud Kenyngton 30 die Julii.

Per Consilium.

REX Vic. Oxon. salutem. Cum nuper data *Ibidem de* nobis intelligi, &c. ut supra, usque ibi, & eodem. mandatos custodiri facerent, & tunc sic; Ac iidem Major & Ballivi prætendentes certum locum in villâ prædictâ pro carnificibus ad bestias mactand. à tempore quo extât memoria, deputatum fuisse, & alium locum in eâdem villâ pro hujusmodi officio exercendo non existere, quicquam ad mandatum nostrum prædictum facere non curârunt. Et quia præmissis coram nobis processu debito deductis, consideratum est, quòd communis mactatio grossarum bestiarum in loco prædicto in commune dampnum & oppressionem populi nostri, de cætero non fiat, & tibi per breve nostrum de judicio, sub testimonio dilecti & fidelis nostri *Richardi de Wy-*
lughby,

lughby, Capitalis Justic. nostri, extitit mandatum, quòd hujusmodi maſtationem beſtiarum ibidem, aut fimos, ſimaros, ſeu alias ſœditates in locis publicis ejuſdem villæ fieri non permitteres, ſicut per tenorem recordi & proceſſus ſuper præmiſſis habitorum, quæ coram nobis in Cancellariâ noſtrâ certis de cauſis venire fecimus, nobis conſtat; quod quidem mandatum hætenus exequi reſuſaſti, ut accepimus, unde plurimum admiramur. Nos volentes ea quæ ſic in curiâ noſtrâ conſiderata exiſtunt executioni debite demandari; Tibi præcipimus, quòd in villâ prædictâ, in locis ubi expedire videritis, publicè proclamari, & ex parte noſtrâ publicè inhiberi fac. ne qui carniſices, aut alii hujusmodi, groſſas beſtias in loco prædicto maſtare præſumant, nec alii fimos, ſimar. ſive alias ſœditates in locis publicis ejuſdem villæ ponant, ſeu poni faciant, nec fieri permittant: Et ſi hujusmodi fimos, ſimar. aut alias ſœditates in locis publicis ejuſdem villæ inveneris, & homines ejuſdem villæ loca illa inde mundare reſuſent, tunc eadem loca publica de eiſdem fimis, ſimar. & ſœditatibus ſine dilatione mundare, & munda cuſtodiri fac. juxta formam conſiderationis ſupradictæ, & dicti mandati noſtri de judicio tibi ſuper hoc priùs directi, libertate villæ prædictæ non obſtante. *Teſte ut ſupra.*

Per Conſilium.

Pat. 15. E. 3. **R**EX dilecto Clerico ſuo Magiſtro *Willielmo de Bergeveny*, Cancellario Univerſitatis ſuæ Oxon. vel ejus locum tenenti, ſalutem. Qualiter ante hæc tempora ex diſſenſionibus & diſcordiis in Univerſitate prædictâ ſæpiùs exortis, dampna & facinora innumera, in noſtri con-

pat. 15. E. 3. pars 2. m. 41. dorf. De inquirendo de malefactoribus in Univerſitate Oxon.

contemptum & pacis nostræ læsionem, ac quietis ibidem studentium perturbationem, fuerant enormiter perpetrata; qualiter etiam quidam dictorum facinorum perpetratores se à dictâ villâ *Oxon.* retraxerunt, & in diversis regni partibus discurrerant, mala perpetrare hujusmodi non timentes, eò quòd ipsi cum dictam villam ingressi fuerunt per Cancellar. & Ministros Universitatis illius puniri non poterant, ut deceret, non credimus vos latere. Jamque ex relationibus intelleximus nonnullorum, quòd quædam dissensiones & contumeliæ graves in Universitate prædictâ, inter Scholares ejusdem Universitatis, ac etiam eosdem Scholares & Laicos, tam ex antiquo odio & ipsorum insolentiis, juvenili etiam lasciviâ stimulante, quàm ex diversis aliis causis, per quas quidam contra alios occasiones quærere solentur, incipiunt noviter suboriri, per quod nisi celerius super hoc apponatur remedium opportunum, de subversione Universitatis prædictæ, & forsân turbatione & motione tam inter magnates quàm alios regni nostri, verisimiliter formidatur. Nos considerantes, quòd ex Universitatis nostræ prædictæ & studentium in eâdem, doctrinâ, fides dilatur catholica, & sancta Dei ecclesia, maxime Anglicana, dilucidè roboratur; cupientes igitur tranquillitati & quieti Universitatis ejusdem, de qua tot, ad regendos populos, ad illuminationem multorum, Doctores hætenus processerunt, & indies procedunt, modis omnibus quibus poterimus, providere, rebellionemque pertinaciam hujusmodi malefactorum refrænare, & eos cum rigore justitiæ punire, & prout convenit castigare; advertentes insuper, quòd quamplures de malefactoribus illis, propter diversas allezationes & confederationes, tam cum aliis dictæ villæ & forinsecis, quàm cum clericis

Univer-

Nota.

Universitatis ejusdem, initas atque factas, se, juxta privilegia & libertates per progenitores nostros & Nos dictæ Universitati concessa, ac secundum legem & consuetudinem regni, justiciari contemptibiliter non permittunt, nec hætenus permiserunt, & quidam ex eis se à villâ prædictâ elongârunt, in aliis partibus, ut præmittitur, discurrendo : Vobis firmiter injungendo mandamus, quòd inquisitionibus per vos quotiens opus fuerit faciend. ac viis & modis aliis, quibus melius expedire videritis, vos cum diligentia informetis de nominibus malefactorum & rebellium prædictorum, qui mala & facinora hujusmodi in Universitate prædictâ hætenus perpetrârunt & perpetrari fecerunt, vel procurârunt, & etiam perpetrant & perpetrari faciunt, seu procurant, & ipsorum manutentorum similiter & fautorum, & de nominibus hominum hujusmodi malefactorum & rebellium, ac eorum manutentorum & fautorum, qui per vos vel ministros vestros dictæ Universitatis in hac parte castigari non poterunt, vel se juxta libertates & privilegia hujusmodi non permittunt, seu qui extra eandem villam ob perpetrationem facinorum hujusmodi se elongant, nos in Cancellar. nostram sub sigillo vestro de tempore in tempus reddatis distinctè & apertè certiores, ut ulterius inde fieri faciamus quod de jure & secundum legem & consuetudinem regni nostri Angliæ fuerit faciend. Nolumus tamen vobis, aut dictæ Universitati, seu privilegiis eidem Universitati per progenitores nostros & nos concessis, prætextu præsentis mandati nostri, seu executionis ejusdem præjudicari, vel in aliquo derogari. Teste Rege apud Turrim Lond. 20^o die Junii.

Nota.

Per ipsum Regem & Consil.

REX Majori & Ballivis suis Villæ Oxon. *Pat. 15. E. 3.*
 salutem. Quia intelleximus, quòd quidam *pars 3. dors. 8.*
 malefactores, & pacis nostræ perturbatores, tam *De intendendo Cancellar.*
 Scholares quàm alii, pro transgressionibus & ex-*Universitatis*
 cessibus enormibus apud Oxon. ac infra metas *Oxon. ad are-*
 & bundas Universitatis ejusdem villæ ante hæc *stand. Et capiend. Male-*
 tempora banniti, jam diversos malefactores & *factores, &c.*
 pacis nostræ perturbatores ad se attrahentes, &
 diversas alligationes & confederationes illicitas
 facientes in passibus, boscis, biviis & quadriviis,
 ac aliis locis suspectis ibidem hominibus insidian-
 tes, tam de die quàm de nocte, vi armatâ va-
 gantur & discurrunt, Scholares ac alios verbe-
 rantes & vulnerantes, & bona & catalla diver-
 sorum hominum capientes & asportantes, & a-
 lia mala quamplurima perpetrantes, ad quorum
 castigationem & punitionem Cancellarius Uni-
 versitatis prædictæ non sufficit, nisi aliter ad hoc
 brachium seculare apponatur: Nos affectantes
 tranquillitatem & quietem Scholarium Univer-
 sitatis prædictæ, ac aliorum ad eandem villam
 confluentium, ac aliorum ibidem degentium,
 observari, & malitiæ dictorum malefactorum &
 bannitorum obviare, & ad punitionem eorun-
 dem manum nostram volentes apponere adjutri-
 cem: Vobis præcipimus, quòd eidem Cancel-
 lario ad insequend. arestand. & capiend. dictos
 malefactores & bannitos, cum per ipsum super
 hoc ex parte nostrâ fueritis præmuniti, inten-
 dentes sitis, consulentes & auxiliantes, ut idem
 Cancellar. hujusmodi Malefactores, sic aresta-
 tos, castigare & punire valeat, juxta libertates
 & privilegia Universitatis prædictæ: Taliter
 vos habentes in hac parte, quòd non possitis su-
 per aliquâ negligentia reprehendi, per quod
 materiam habeamus ad vos & vestra graviter
 capien-

capiendi. *Teste Rege apud Staunford 27^o die Novemb.*

Consimilia Brevia regia diriguntur Vicecom. Oxon. mutatis mutandis. *Teste ut supra.*

*P. 16. E. 3.
m. 1. dorso.
pro Galfr.
de Siblesham.*

REX Archiepiscopis, Episcopis, Decanis & Capitulis Ecclesiarum Cathedralium & Collegiarum in Diocesis Ciceſtrenſi, Sarisberienſi, Wynton. Eboracenſi, & Licheſeldenſi, & Archidiaconis, Canonicis, & aliis dignitatem vel officium in eiſdem eccleſiis habentibus, Abbatibus, Prioribus, Rectoribus, & Vicariis Eccleſiarum eorundem, & aliis Miniſtris Eccleſiaſticis in quibuſcumque ſtatu, officio vel dignitate conſtitutis, nec non Cancellariis Univerſitatum Oxon. & Cantebr. ac univerſis & ſingulis Magiſtris & Scholaribus eorundem Univerſitatum, Salutem. Ad jura noſtra regia, ne depeteant, ſeu per aliquorum uſurpationes indebitas aliquoſiter ſubtrahantur, quatenus juſte poterimus manutenend. ſubtractaque & occupata, ſi quæ fuerint, ad ſtatum debitum revocand. nec non ad impugnatores eorundem jurium refrænand. & prout convenit juxta eorum demerita puniend. eò ſtudioſius nos decet operam adhibere, & ſollicitius extendere manum noſtram, quò ad hoc juramenti vinculo teneri diſciſcimus & aſtringi, pluresque conſpicimus indies jura illa pro viribus impugnare. Cum igitur nuper in curiâ noſtrâ coram nobis per breve noſtrum recuperavimus præſentationem noſtram ad Eccleſiam de Seſeſeye, vacantem, & ad noſtram donationem ſpectantem, ratione Episcopatus Ciceſtrenſis tunc vacantis, in manu noſtrâ exiſtentis, & præſentaverimus dilectum Clericum noſtrum *Galfr. de Sibleſham* ad Eccleſiam prædictam, qui ad eandem per loci Dicceſanum

fanum admissus, & in eâdem canonicè extitit institutus, & postmodum pro eo quod datur nobis intelligi, quòd *Willielmus de Roumersli* jura coronæ nostræ prædictæ impugnare, & considerationem prædictam machinans enervare, diversos processus in curiâ Christianitatis versus præfatum Clericum nostrum extitit profecutus, ipsum à possessione suâ prædictâ amovere satagendo, eidem *Roberto* per diversa brevvia nostra mandaverimus, ne quicquam in curiâ Christianitatis, quod in derogationem juris nostri Regii, seu enervationem considerationis seu præsentationis nostræ prædictarum cedere valeret, attemptaret, seu attemptare præsumeret quovismodo; nihilominus prædictus *Rogerus* diversos processus in curiâ Christianitatis versus præfatum Clericum nostrum postmodum est profecutus, quorum executiones vobis committuntur, ut dicitur, faciendæ, per quos si tolerarentur, præjudicium, tam nobis & Coronæ nostræ, quàm præfato Clerico nostro, super possessione suâ prædictâ de facili posset generari: Vobis igitur omnibus & singulis districtè prohibemus, ne executiones aliquorum processuum factorum in curiâ Christianitatis, quæ in enervationem considerationis seu præsentationis nostræ prædictarum cedere possint, exequamini quovismodo, nec citationes, præfixiones, processus, seu alia impedimenta diversa, per quæ jus nostrum prædictum aliququaliter poterit impugnari, attemptetis, seu per alios attemptari faciatis quovis modo. Scientes, quòd si secus feceritis, ad vos tanquam ad juris nostri Regii violatores, graviter capiemus. *Teste Custode prædicto apud Wynton. 6 die Julij.*

†

Pat. 18. E. 3.
pars 2. m. 31.
intus. Pro
Cancellar. &
Scholaribus
Universitatis
Oxon.

REX Archiepiscopis, Episcopis, Abbatibus,
Prioribus, Decanis, Archidiaconis, Official.
Præpositis, Sacristis, Prebendariis, in Ecclesiis Ca-
thedralibus, seu Collegiatis, Advocatis, Procurato-
ribus & Notariis Publicis, & aliis quibuscunque
personis Ecclesiasticis, in quacunque dignitate vel
officio constitutis, & omnibus aliis ad quos, &c.
salutem. Cum nuper inter privilegia Univer-
sitati Oxon. ac Cancellario ejusdem qui pro tem-
pore fuerit, per nos & progenitores nostros
quondam reges Angl. concessa, concessum sit
eisdem, quod idem Cancellarius, pro inviolabili
pacis nostræ conservatione, ac tranquillitate &
quiete Scholarium in eadem Universitate stu-
dentium, omnes transgressores & pacis nostræ
in eadem Universitate perturbatores & violato-
res, qui coram dicto Cancellario comparere vo-
luerint ratione delictorum suorum, corrigere, &
comparere recusantes, ubi altera pars est Scho-
laris, à dictâ Universitate bannire possit; ac
jam intellexerimus, quod quidam de manifestâ
pacis nostræ perturbatione ac enormi transgres-
sione in dictâ Universitate factis impetiti, ad
mandatum Cancellar. dictæ Universitatis, pro
eo quod ipsi, modo debito præmuniti, super
præmissis respondere recusarunt, per processum
ritè inde factum, à dictâ Universitate fuerint
banniti, & pro bannitis solempniter pronun-
ciati, machinantes privilegia prædicta, præ-
dictis Cancellar. & Universitati, pro conserva-
tione pacis prædictæ, & quiete Scholarium ibi-
dem studentium, sic concessa, per processus in-
de in Curiam Romanam faciend. destruere totaliter
& adnullare, ipsum Cancellar. ad respondend.
• super bannimento prædicto extra regnum no-
strum ad dictam Curiam Romanam, convocari
fecerunt.

fecerunt, & citationes, provocationes, appellationes, monitiones eidem Cancellar. notificari procurarunt, & quàm magnas pecuniæ summas pro dampnis suis, quæ ex hac causâ asservuerunt se sustinuisse ab eo, ibidem exigunt, & ipsam ad occasionem multipliciter inquietant minus justè, & nostri contemptum & præjudicium, & legum & jurium Coronæ nostræ læsionem, & ipsius Cancellar. dampnum gravissimum, & libertatium dictæ Universitatis adulationem manifestam, de quor. quamplurimum conturbamur. Nos volentes privilegia prædicta dictis Cancellar. & Universitati, pro conservatione pacis prædictæ & quiete Scholarum in dictâ Universitate studentium, per dictos Progenitores nostros sic concessa, inviolabiliter observare, & impugnatores eorundem debite coercere. Vobis omnibus & singulis districte prohibemus, ne prætextu aliquorum commissionum seu mandatorum de dictâ Curia. *Rumæq.* vel aliquâ aliâ Curia, vobis seu aliquibus vestrum directorum, seu imposterum dirigendorum, quicquid quod in læsionem coronæ & dignitatis nostræ regie, seu enervationem privilegiorum prædictorum, aut dicti Cancellar. dampnum in hac parte, vel præjudicium, cadere valeat, attemptetis, seu nec. aliquammodo attemptari. Et si quid in contrarium feceritis in hac parte, id sine quâcumque difficultate revocetis indilate, ne ad vos, anquam ad legum & jurium nostrorum violatores, & coronæ nostræ exhæredatores, materiam habeamus cum rigore capiendi. *Teste Rege apud Vestm. 12^o die Augusti.*

Nota.

Nota.

Pat. 19. E. 3.

REX Venerabili in Christo patri Roberto. eadem pars 1. m. 22. gratia Cicestr. Episcopo. Salutem. Quia intelligi nobis datur, quod quidam Scholares Universitatis nostræ Oxon. & eorum ministri nuper,

dosso. De inquirendo de transgressionibus in (1. con.) dum factis.

dum quidam fideles justic. nostri judicialiter in eadem villâ Oxon. sedebant, ad inquirend. de felonis, transgressionibus, & aliis excessibus in Com. Oxon. factis, in copiosâ multitudine congregati, & quamplures ex eis armis prohibitis communiti, in villâ prædictâ notoriè incesse-
runt, quasdam transgressiones ac enormia alia, ut dicitur, perpetrantes, & Justic. nostros prædictos, incusso eis ex repentinâ hujusmodi congregatione timore, impediētes, quò minis tunc ea quæ ad officium suum juxta formam commissionis nostræ eis inde factæ exercere & facere debite potuerunt, in nostri contemptum, pacisque nostræ ibidem læsionem, & terrorem etiam nonnullorum. Nos transgressiones & excessus hujusmodi nolentes absque imponendâ punitione debitâ præterire, advertentesque quòd Cancellarius Universitatis prædictæ, ad cujus officium, juxta privilegia & libertates sibi & dictæ Universitati per nos & prægenitores nostros concessa, punicio clericorum & ministrorum suorum ibidem delinquentium pertinere dinoscitur, ut accepimus, ad puniend. tantam Scholarum & servientum suorum multitudinem, non sufficit, nisi juvetur potestatis Regiæ fulcimen-
to.; ac de vestrâ circumspectione providâ confidentes, assignavimus vos ad inquirend. unâ cum prædicto Cancellario, de nominibus hiis Scholarum & ipsorum servientum, qui congregationes, transgressiones, excessus, ac alia prædicta, ut præmittitur, perpetrârunt, & ad ipsos juxta eorum demerita & excessus ac juris exigentiam, habitâ consideratione ad privilegia & libertates prædicta, quibus prætextu præsentis assignationis nostræ ad præsens derogare nolumus, castigand. & puniend. sicut melius pro conservatione pacis ibidem videbitur expedire, ne pro defectu debitæ punitionis hujusmodi, necessitate cogente,

gente, nos oporteat manum ad hoc extendere
graviorem. Et ideo vobis mandamus, quod
circa præmissa omnia & singula, una cum præ-
fato Cancellario, faciend. & explend. in formâ
prædictâ celerius quo poteritis intendatis: Uni-
versis insuper & singulis Magistris & Scholari-
bus, ac alijs dictæ Universitatis quos præmissa
contingunt, damus tenore præsentium firmiter
in mandatis, quod vobis in executione præmis-
sorum, una cum Cancellario prædicto, faciend.
& explend. pareant & intendant, quotiens &
prout per ipsos vel dictum Cancellarium super hoc
fuerint præmuniti. *In cujus, &c. Teste Rege
quod Westm. 14^o die Martii.*

Per Consilium.

REX omnibus ad quos, &c. salutem, In-
speximus alteram partem cujusdam Inden-
turæ inter Cancellarium & Universitatem Oxon.
& Majorem & Communitatem villæ Oxon. factæ,
& communi sigillo dictæ villæ signatæ in hæc
verba. Ceste Endenture fait a Oxensford le qua-
torziesme jour de Maij, l'an du regne le Roi
Edward tierz, aprez la conquest d'Engleterre
trentiesme primer, & de France dis & oepthesme,
entre le Chancelier & la Universitee d'Oxenford
d'une part, & le Maire & Communaltee de mesme
la ville d'autre part, tesmoigne, que accorde est
entre les parties avantdites, que la dite Com-
munaltee d'Oxenford tendra perpetuellement une
misse d'Anniversarie le jour de seinte scolasee la
Virgine, a Oxenford en la Eglise de nostre Dame,
pur les almes des Clercs & autres occis en la
confluct que nadgairs estoit entre les Clercs &
Lais de la dite Communaltee, a la quele misse
d'Anniversarie seront en propres persones;

+
Pat. 31. E. 3.
pars 2. m. 26.
Pro Magistris
& Scholaribus
Universitatis
Oxon.

& offront en noun de la dite Communaltee d'Oxenford, le Maire que pur le temps serra, les Bailliffs, les Aldermans, & toux iceaux que furunt jurez a dite Universitee mesme l'an de la dite ville, & de les suburbs auxibien del suburbe dehors la porte de Norht. come de altres suburbs; si noun ascun deaux eient congie del Chaunceller que pur le temps serra; ou de son Commissar de soi absentir per resonable cause, & accept a dit Chaunceller ou de son Commissar. Et en cas que ascuns ensi soi absentent, facent altres honestes de la dite ville ou suburbs venir en leur lieux, al acceptation del dit Chaunceller, ou de son Commissar. que pur le temps serra, ensi que seisaunt & deux de la dite Communaltee de queaux le dit Chaunceller ou son Commissar. soi agree soient presentz a la dite misse del comencement tanque au fyn, & offre chescun un denier si nul deaux neit congie del Chaunceller ou de son Commissar. d'offrir son denier & daler en tour ses buisoignes necessaries adonque affaires. Et si nul de la dite Communaltee juree a la Universitee cel an soi absente devenir a la dite misse & d'offrir come avant est dit saunz resonable encheson, & congie del dit Chaunceller ou de son Commissar. que pur le temps serra, & altre en son lieu accept. a dit Chaunceller ou son Commissar. ne soit a la dite misse & offre pur lui come avant est dit soit il puny per le Chaunceller ou son Commissar. duement, come le dit Chaunceller ou son Commissar. lui plerra punyr. Estre ceo le Chaunceller & la Universitee avantditz ne soi assentent mie que *Johan de Beresford, Robert de Lardynier, Matheu Kyng, Robert le Goldsmyth, & Johan de Godestre*, soient contenuz ne compris en ceste accorde. En tesmoignance des queles choses les Seals de la Universitee
d'Oxen-

d'Oxenford d'une part, & de la Communaltee de mesme la Ville d'autre part, a ceste Enderiture entrechaungeablement sont mys. Don a Oxenford jour & an avant ditz. *Inspeximus etiam quoddam scriptum obligatorium cum sigillo ville predictæ signatum, in hæc verba.* Noverint universi quod nos Major & Ballivi, ac tota Communitas Villæ Oxon. pro finali concordia facta super quodam conflictu inter Clericos & Laicos in Villâ predictâ nuper suborto, obligamus nos & successores nostros, Majores & Ballivos ac Communitatem prædictam imperpetuum Cancellar. & Procuratoribus Universitatis Oxon. & successoribus suis Cancellar. & Procuratoribus & Universitati prædictæ imperpetuum, in C. marci annui redditus solvend. eisdem vel eorum certo Attornato annuatim apud Oxon. in Ecclesiâ beate Mariæ in Festo sanctæ Scholasticæ Virginis, sine ulteriori dilatione. Ad quam quidem solutionem fideliter faciendam, obligamus nos & successores nostros, Majores & Ballivos, & Communitatem Villæ Oxon. & omnia bona nostra & Communitatis prædictæ habita & habenda & restrictioni prædictorum Cancellar. & Procuratorum qui pro tempore fuerint, & Ministrorum suorum, nec non cohercioni cususcunque Judicis Ecclesiastici seu secularis. In cujus rei testimonium sigillum commune Communitatis prædictæ præsentibus est appensum. Dat. apud Oxon. quintodecimo die Maii, anno regni Régis Edwardi certii post Conquestum Angl. tricesimo primo, & Franciæ decimo octavo. *Inspeximus etiam quoddam scriptum indentatum communi sigillo ville predictæ signatum, in hæc verba:* Omnibus Christi fidelibus ad quos præsens scriptum indentatum pervenerit, Cancellarius & Procuratores Universitatis Oxon. & tota Universitas, prædicta, salutem in Domino. *Licet Major &*
Ballivi

Ballivi Ville Oxon. & tota Communitas ejusdem Ville, & successores sui, nobis Cancellar. & Procuratoribus Universitatis Oxon. & successoribus nostris, & Universitati predictæ imperpetuum obligentur in centum marcis annui redditus solvend. apud Oxon. annuatim in Ecclesiâ beatæ Mariæ Oxon. in festo Sanctæ Scolasticæ Virginis, pro quadam finali concordia nobiscum factâ, super quodam conflictu inter Clericos & Laicos in Villâ predictâ nuper suborto, prout in ipsorum scripto obligatorio inde confecto plenius continetur; volumus tamen & concedimus nos predicti Cancellarius & Procuratores, ac tota Universitas, pro nobis & successoribus nostris imperpetuum, quod si predicta Communitas ville Oxon. pro Animabus Scholarium & aliorum in dicto conflictu occisorum, unam missam anniversariam in Ecclesiâ beatæ Mariæ Oxon. in festo Sanctæ Scolasticæ virginis, annuatim faciat celebrari, modo & formâ quibus in quadam Indenturâ inter nos & dictam Communitatem de materiâ ipsâ factâ plenius continetur, & omnes insuper alii articuli in eadem Indenturâ contenti, ex parte dictæ Communitatis quolibet anno debite fuerint observati, quod pro illo anno predictæ centum marce nullatenus exigantur, pro aliis vero annis ipso scripto obligatorio suo robore & efficaciâ imperpetuum duratur. In cujus rei testimonium tam sigillum nostrum commune Universitatis predictæ, quam sigillum commune Communitatis predictæ, huic Indenturæ alternatim sunt appensi. Dat. apud Oxon. sextodesimo die Maii, anno regni Regis Edwardi tertii post Conquestum Angl. tricesimo primo, & Franciæ decimo octavo. Nos autem Indenturam & scripta predicta, & omnia contenta in eisdem, quatenus rite & rationabiliter facta fuerint, rata habentes

bentes & grata, ea pro nobis & hæredibus nostris, quantum in nobis est, approbamus, ratificamus & confirmamus. *In ejus, &c. Teste Rege apud Westm. primo die Junii.*

Per breve de Privato Sigillo.

REX Vic. Berkf. salutem. Cum de Gratia nostra speciali concesserimus, quod Cancellarius Universitatis Oxon. qui pro tempore fuerit, per literas suas patentes Cancellarii nostro Angliæ pro tempore existenti dare possit significare, de nominibus singulorum de jurisdictione præfati Cancellarii Oxon. qui majoris excommunicationis vinculo fuerint innodati, & quod dictus Cancellarius noster Angliæ qui pro tempore fuerit, brevia nostra seri & sub magno sigillo nostro consignari faciat, pro captione illorum de jurisdictione prædicta, qui sic per dictum Cancellarium Oxon. fuerint excommunicati, & per quadraginta dies perseveraverint in eadem ad significationem sive certificationem ipsius Cancellarii Oxon. supradictam, prout in literis nostris patentibus inde confectis plenius continetur. Et J. de M. Cancellarius Universitatis prædictæ, per literas suas patentes nobis significaverit, quod G. S. fuit jurisdictionis propter suam manifestam contumaciam, auctoritate ipsius Cancellarii Oxon. excommunicatus est, nec se vult per censuram Ecclesiasticam justitiari. Quia vero potestas regia sacrosanctæ Ecclesiæ in quælibet suis deesse non debet, tibi præcipimus, quod prædictum G. per corpus suum secundum consuetudinem Angliæ justitiare, donec sanctæ Ecclesiæ tam de contemptu quam de injuriâ ei illatâ ab eo fuerit satisfactum. *Teste, &c.*

Register of Writs, part 2. f. 67. p. 68. 2. De homine per Cancellarium Oxonia excommunicato capiendo.

R E X

†

Pat. 50. E. 3.
pars 1. M. 10.
pro Universita-
te Oxon. de
confirmations
Ordinationum.
vide Pat. 20.
R. 2. pars 3.
m. 36. *Exem-
plificatio isti-
us Ordination-
is. Et Hec.*
P. 113.

REX omnibus ad quos &c. salutem. Inspex-
imus quasdam Ordinationes per venerabi-
les Patres *Willielmum London. Thomam Elien. A-
dam Meneven. Radulphum Sarum, & Willielmum
Cicestrensem*, Episcopos, vice & auctoritate no-
stris, ac instantis Parliamenti nostri, super con-
troversis & litibus quæ inter Cancellarium U-
niversitatis Oxon. & Magistros in Theologia &
Artibus regentes & non regentes, & eorum fa-
cultates ex parte una, & Magistros seu Docto-
res de jure Canonico & Civili, eorumque facul-
tates & studentes in eisdem ex altera parte, or-
ta fuerant factas, & sub sigillo predictorum
London. Elien. Meneven. & Sarum Episcopo-
rum, ac sub signo cathedrae publici consignatas,
in hæc verba. *Universis presentes literas in-
specturis, Willielmus London. Thomas Elien. A-
dam Meneven. Radulphus Sarisberien. & Williel-
mus Cicestren.* Episcopi, Domini nostri Regis
Anglie illustris, de consensu omnium Prælato-
rum & Procerum regni, & instantis Parliamen-
ti sui Commissarii ad cognoscendum, proceden-
dum, & sine debito terminandum in quibus-
cumque controversis, litibus & dissensionibus
inter Cancellarium Universitatis Oxon. Lincoln.
Dioc. ac Magistros in Theologia & Artibus, re-
gentes & non regentes, & eorum facultates ejus-
dem Universitatis ex parte una, ac doctores in
jure canonico & civili regentes & non regentes,
Baccallarios & studentes in eisdem juribus ipsius
Universitatis ex altera suscitatis, sub forma infra
scripta specialiter deputati, salutem in omnium
Salvatore. Literas Commissionis dicti Domini
nostri Regis, seu mandatum vel breve suum Re-
gium patens nuper recepimus, tenorem qui sequi-
tur continentes. *Edwardus Dei gratia Rex An-
glie & Francie, & Dominus Hibernie, venerabili-*
bus

bus patribus W. London. Th. Elien. A. Meneven. R. Sarum, & W. Ciceſtren. Episcopis, Salutem. Nun-
per audivimus de quibusdam diſſenſionibus, &
rixis inſolitis & retroactis temporibus inauditis,
inter Magiſtros & Doctores Theologiæ juris Ca-
nonici & Civilis, & facultatis Artium, earum-
que ſcientiarum. Baccallarios & Scholares novi-
ter jam exortis, occasione quorundam ſtatuto-
rum formam & reſponſiones Baccallariorum ju-
ris Civilis & Canonici, ad quæſtiones per Do-
ctores decretorum & legum diſputandas concer-
nentium: noviter, editorum, quorum occasione
bannitiones, conviſiones & alia gravamina va-
ria contra certas perſonas plurima ſunt ſecuta,
quæ diſſenſiones, rixæ, & alia gravamina præ-
notata, in præjudicium non modicum & ener-
vationem quodammodo prædictæ Univerſitatis
tenderent, niſi per nos manus eſſent appoſitæ,
pro repellendis præmiſſis inconvenientibus adju-
trices: Nos volentes prædictam Univerſitatem
ſuſtinere in ſuis uſibus, privilegiis, & conſuetu-
dinibus univerſis, prout eam ab initio privilegii
dotavimus, & eadem privilegia ſæpius augmen-
tavimus per temporum curricula diverſorum pro
pace dictæ Univerſitatis pariter & quiete, in
cauſis & negotiis præmiſſorum, & omnium ali-
orum incidentium emergentium, & ea qualiter-
cunque contingentium; vobis committimus ple-
nariè vices noſtras, dantes vobis quatuor vel tri-
bus veſtrum tenore præſentium auctoritatem, ac
mandatum ſpeciale, negotium prædictum cum
omnibus & ſingulis præmiſſis, vel ea quoquo-
modo contingentibus vel dependentibus ab eiſ-
dem vice noſtrâ audiendi, & in eiſdem ampu-
tatis quibuſcumque dilacionibus & allegationi-
bus frivolis alterius etiam partis præſenciâ nul-
latenus expectatâ, plenariè cognoscendi, ac
ea reformandi & debito fine terminandi, banni-
tiones,

tionēs, convictiones, statutaque prædicta in parte vel in toto revocandi & subducendi, prout vobis quatuor vel tribus vestrum videbitur expedire, bannitosque & convictos prædictos in Universitatem prædictam reconciliandi, prout vobis quatuor vel tribus vestrum videbitur opportunum, Cancellarioque, Procuratoribus, Magistris, Doctoribus, Scolariis, & aliis quibuscumque Universitatis prædictæ inhabendi, ne contra Ordinationes vestras, quatuor vel trium vestrum, neque de cætero statuta injusta irrationabilia contra facultates Juris Canonici vel Civilis edant seu faciant quovismodo, sub pœnâ forisfacturæ omnium bonorum suorum temporaliū, & revocationis privilegiorum omnium à nobis vel prædecessoribus nostris Universitati prædictæ, Magistris, Doctoribus, vel Scholaribus ejusdem primitus concessorum, & ea quæ sic per vos quatuor, vel tres vestrum terminata vel ordinata fuerint vallandi & affirmandi, & omnia alia faciendi & exequendi quæ pro reformatione præmissorum juxta discretionēs vestras, quatuor vel trium vestrum necessaria fuerint vel etiam opportuna. Et ideo vobis mandamus, quod ad certos dies & loca quos vos, quatuor vel tres vestrum ad hoc provideritis circa præmissa solerter cum efficaciâ intendatis, & ea faciatis & exequamini, prout à parte justitiæ & pro pace, quiete & tranquillitate prædictæ Universitatis vobis quatuor vel tribus videbitur expedire. Damus autem unicuique partium prædictarum, & omnibus aliis quorum interest tenore præsentium firmiter in mandatis, quod vobis, quatuor vel tribus vestrum in præmissis & præmissorum quolibet faciend. & exequend. obediant & pareant pariter & intendant. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. 20 die Junii, anno regni nostri Angliæ quinquagesimo, reg-

hi vero nostri Francia tricesimo septimo.

Concessum est de assensu Prælatorum
existentium in Parlamento.

In fine vero ipsius brevis in ejus margine scribuntur verba prædicta. Quarum auctoritate literarum seu mandati aut brevis Regii supradicti nos Episcopi & Commissarii memorati in prædictis controversiis, litibus & dissensionibus quæ inter partes prædictas occasione quarundam Ordinationum per Magistros Theologiæ & Artium regentes dictæ Universitatis & statutorum per Magistros regentes & non regentes earundem facultatum ipsius Universitatis contra Baccalarios Juris Canonici & Civilis & facultates earundem, reclamantibus omnibus & singulis Doctoribus ipsius utriusque Juris in eadem Universitate regentibus & non regentibus, citra videlicet festum Sancti Michaelis Archangeli proximo præteritum editorum concernentium responsiones Baccaliorum Juris Canonici & Civilis ad Quæstiones per Doctores Decretorum & Legum disputandas noviter sint exortæ, legitime procedentes, discretis viris Magistris Johanne Gascogn & Johanne Pakwode Decretorum, Johanne Tresnaunt & Willielmo Todeworth Legum Doctoribus, dictæ Universitatis regentibus, ad informandum nos super præmissis per mandatum seu breve Regium in hac parte eis directum specialiter & personaliter evocatis, pro se personaliter omnibusque Doctoribus, Baccalariis & Scholaribus Juris Canonici & Civilis ejusdem Universitatis, per discretum virum Magistrum Michaelem Certeaux Clericum, & in Legibus Baccalarium eorum Procuratorem literatorie & legitime constitutum sufficienter etiam comparentibus ex parte una, ac venerabili viro Magistro Johanne

hannæ Turk, sacre pagine Professore & dictæ Universitatis Cancellario, ac discretis viris Magistris *Willielmo Wakefeld* Magistro in Artibus ejusdem Universitatis Procuratore, nec non *Willielmo Berton* & *Roberto Aylesham* Baccalariis in Theologiâ & Magistris in Artibus pro se, & ut asseruerunt, nomine dictarum duarum facultatum Theologiæ & Artium, absque tamen mandato sufficienti personaliter comparentibus ex parte aliâ, ad hoc, ut dicebatur, per easdem missis & etiam destinatis cæterisque omnibus Magistris in Theologiâ & Artibus regentibus & non regentibus prædictæ Universitatis, ad comparendum coram nobis Commissariis prædictis in instanti Parlamento per duos in hac parte sufficientem potestatem habentes, ordinationem instantis Parliamenti & nostram super præmissis dissensionibus, vice & auctoritate Regiâ faciendum visur. & receptur. per breve Regium ritè & legitimè evocatis sufficienter expectatis, & ut debuerunt, & tenebantur sufficienter comparere non curantibus, sed se contumaciter & rebelliter absentantibus, ac per nos propterea contumacibus reputatis, ipsorum præsentia, ob quietem & tranquillitatem dictæ Universitatis & studentium in eadem, & pro bono pacis celeriter reformand. secundum exigentiam dicti mandati Regii nullatenus expectatâ, set eorum absentia Dei repletâ præsentia, auditis per nos partium prædictarum Juribus, rationibus & allegacionibus, ac ipsis & hujusmodi dissensionum ut licium meritis plenè cognitis, rimatis etiam & discussis, concurrentibus etiam omnibus in eâ parte requisitis, & in poenam contumaciæ non comparentium, Dei nomine invocato, ad sententiæ prolacionem in dicto Negocio die & loco infra scriptis processimus ac vice & auctoritate Regiâ & instantiâ Parliamenti prædicti,

ordina-

ordinavimus, statuimus, & diffinivimus, sub hac formâ verborum. *In Dei Nomine Amen. Auditis per nos Willielmum Londinen. Thomam Elien. Adam Meneven. Radulphum Saresbiriensem, & Willielmum Ciceſtrenſem Episcopos, Domini noſtri Regis Angliæ illuſtris, & ipſius Parlamenti in negotio infra ſcripto Commiſſarios, ad cognoscend. procedend. & ſine debito terminand. in quibuſcumque controverſiis & litibus inter Cancellarium Universitatis Oxon. & Magiſtros in Theologiâ & Artibus regentes & non regentes, & eorum facultates, ex parte unâ, & Magiſtros ſeu Doctores in Jure Canonico & Civili, eorumque facultates & ſtudentes in eiſdem ex alterâ, ſub certâ formâ, prout in certâ commiſſione dicti Domini noſtri Regis plenius apparet, quam hic pro expreſſâ haberi volumus, deputatos ; & intellectis ac plenius diſcuſſis meritis dictorum negotiorum, nos Willielmus Londinenſis Episcopus ſupradictus, vice & conſenſu Collegarum noſtrorum prædictorum & noſtra, ordinavimus, ſtatuiſmus & diffinivimus, quod Cancellarius & Universitas Oxon. citra Feſtum Tranſlationis Sancti Thome Martyris prox. futur. ſtatuant cum plenâ ſolempnitate conſuetâ juxta formam & tenorem immediatè ſequentes, & quæcumque alia Ordinationes & ſtatuta ſuper eâdem materiâ jam noviter edita in Universitate prædictâ tollant, & ſubducant omninò, & pro nullis & caſſatis reputentur ; nec non Magiſtros Thomam Mountagu & Henry Ingelby & cæteros quoscumque pannitos, occasione contencionis ſive rixæ huiusmodi factæ, ad ſtatum ſuum priſtinum & plenum reſtituant ſine morâ, & quoscumque proceſſus, contra quoscumque Scholares eâ occasione factos revocent : & quod de cætero nulla ſtatuta nova vel Ordinationes contra dictas facultates Juris Canonici & Civiliſ, vel ſtudentes in eiſdem*

eisdem faciant, nec fieri procurabunt, sub penâ amissionis omnium bonorum suorum temporalium Domino nostro Regi applicandorum, nec non revocationis omnium privilegiorum & immunitatum à Domino nostro Rege, & predecessoribus suis eis hactenus concessorum. Et si contingat quod infra terminum memoratum præmissa plenè & perfectè, ut præfertur, non expediantur & perficiantur omnino : Nos *Wilhelmus London.* Episcopus antedictus, vice & auctoritate quibus supra omnia & singula præmissa prout superscribuntur, ordinamus, diffinimus & statuimus ex nunc imperpetuum valitura, hanc itaque prædictos restitimus, & eorum statum plenè reformamus in Universitate prædictâ, Statutaque & Ordinationes contra facultates prædictas *Juris Canonici & Civilis* edita & in futur. edend. supra dictâ materiâ cassamus, annullamus, & irritamus, cassa, nulla, & irrita pronunciamus; emendandi, corrigendi & interpretandi præmissa nobis quatuor vel tribus nostrum potestate reservatâ. Tenores verò statutorum per dictam Universitatem juxta Ordinationem nostram ut præmittitur edendorum & per nos in eventum editarum sequuntur sub hiis verbis. Statutum est, quod quilibet Baccalarius *Juris Civilis* qui prius pro formâ non responderit, requisitus à Doctore decretorum ad disputandum astricto ut sibi respondeat, dum tamen totam formam suam præter responsionem formalem prius compleverit quod ex tunc teneatur respondere, habitâ deliberacione trium mensium à requisitionis tempore numerandorum sub hac penâ, quod aliter nec annus ille nec aliquis actus scolasticus ejusdem anni fiet sibi pro formâ in aliquâ facultate, nisi excusationem rationabilem habeat coram Cancellario & Doctore *Juris Canonici vel Civilis*, & altero Procura-

torum

torum vel duobus ipsorum approbatam. Quod si pro responsione formali in Jure *Canonico* vel *Civili* pecuniam vel sibi æquivalens ex pacto receperit, eo ipso pœnæ confirmi se noverit subiacere, quibuscumque Ordinacionibus Magistrorum regentium, vel statutis Magistrorum regentium & non regentium Universitatis *Oxon.* super præmissis, vel eorum aliquo, anno Domini *Millesimo trecentesimo septuagesimo* quinto, secundum cursum & computacionem Ecclesiæ Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Item statutum est, quod cum Baccalarius juris *Canonici* ante ejus inceptionem in Jure *Canonico* singulis Doctoribus regentibus in facultate Decretorum teneatur respondere requisitus à Doctore Decretorum, qui tenetur disputare ut sibi respondeat, si idem Baccalarius totam formam præter responsiones prius compleverit, & dummodo alicui Doctori per annum immediate præcedentem prius pro formâ non responderit, ac dummodo per trēs menses ante diem responsionis fuerit requisitus & respondere recusaverit, nisi coram Cancellario ac Doctore juris *Canonici* vel *Civilis* & altero Procuratore causam rationabilem ab eis vel à duobus ipsorum approbatam allegaverit, quod nec annua illæ, nec aliquis actus Scholasticus ejusdem anni infra Universitatem *Oxon.* eodem anno sibi cedat pro formâ. Et si Baccalarius quiscumque dictæ facultatis pro responsione formali in Jure *Canonico* vel *Civili* pecuniam vel sibi æquivalens ex pacto receperit, eo ipso pœnæ confirmi se noverit subiacere, quibuscumque Ordinacionibus Magistrorum regentium & non regentium ejusdem Universitatis super præmissis vel eorum aliquo, Anno Dom. *Millesimo trecentesimo septuagesimo* quinto secundum cursum & compu-

tacionem Ecclesiæ Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Quæ quidem Ordinationem, diffinitionem & statuta nostra deducimus & deduci volumus per præsentēs; præcipientes, ac vice & auctoritate quibus supra sub poenâ prædictâ firmiter injungentes, ea omnia & singula à Cancellario & Universitate prædictis perpetuis temporibus inviolabiliter observari. In quorum omnium testimonium has literas nostras seu præsens publicum infrâ scriptum scribi & publicari mandavimus. Ac nos *Londoniensis, Eliensis, Menevensis, & Saresberiensis* Episcopi supradicti sigillorum nostrorum appensionibus fecimus communiri. Dat. & act. in Ecclesiâ *Sancti Pauli London.* primo die mensis *Julii*, anno ab incarnatione Domini secundum cursum & computationem Ecclesiæ *Anglicanæ*, Millesimo tricentesimo septuagesimo sexto, Indictione 14. Pontificatûs sanctissimi in Christo Patris & Domini nostri Domini *Gregorii* divinâ providentiâ Papæ undecimi anno sexto; Præsentibus tunc ibidem venerabilibus & discretis viris Magistris *Edmundo de Stafford* Canonico *Lincoln.* *Johanne Codeford* Archidiacono *Wiltsh.* *Adam de Mettrum* Baccallario in Decretis, & *Gilberto Stone, Mattheo Meyvot, & Roberto Delsal*, publicis Apostolicâ auctoritate Notariis, nec non *Johanne Berton.* dictæ Universitatis Bedello, & aliis in multitudine copiosâ testibus rogatis specialiter ad præmissa. si. Et ego *Johannes Prophet* Clericus *Menevensis* Diocesis, publicus Apostolicâ auctoritate Notarius præmissis ordinationi, statuto & diffinitioni, ac omnibus aliis & singulis dum sic ut in suprascriptâ sententiâ præmittitur agerentur, & fierent sub anno, Indictione, Pontificatu, mense, die & loco prædictis, unâ cum prænominatis testibus præsens interfui, eaque omnia

omnia & singula sic fieri vidi & audivi, scripsi, ac de mandato dictorum reverendorum patrum præcedencium in hanc publicam formam redegì, meisque signo & nomine consuetis signavi, rogatus in fidem & testimonium præmissorum. Nos autem Ordinationes prædictas prout per prædictos Episcopos factæ existunt, nec non literas ipsorum Episcoporum inde confectas, & omnia & singula in eisdem literis contenta, pro nobis & hæredibus nostris quantum in nobis est acceptamus, approbamus, ratificamus & confirmamus imperpetuum, prout dictæ literæ testantur. *In cujus &c. Teste Rege apud Westm. 8 die Julii, Anno regni nostri Anglia 50. regni vero Francia 37.*

Pro dimidiâ marcâ solutâ in Hanaperio.

These Ordinances were exemplified verbatim, and confirmed by King Rich. II. in the 20th Year of his Reign, in these Words: — Nos autem Literas & Ordinationes prædictas, & omnia & singula in eis contenta rata habentes & grata, ea pro nobis & hæredibus nostris quantum in nobis est, acceptamus, approbamus, ratificamus & confirmamus, sicut literæ prædictæ rationabiliter testantur. *In cujus, &c. T. R. apud Westm. 8 die April.*

Pro dimidiâ marcâ solutâ in Hanaperio.

RE X universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris & aliis fidelibus pat. 50. E. 3. pars 1. intus. & subditis nostris, tam infra libertates quam extra, ad quos, &c. Salutem. Quia dissensiones & debates inter Magistros & Baccalarios in Theologia

ologia in Universitate Villæ Oxon. ex una parte, & Baccalarios in Jure *Canonico & Civili* ex alterâ parte occasione quorundam Statutorum ibidem de novo editorum motæ sunt & subortæ, coram Prælatiis & aliis Magnatibus Regni nostri Angliæ decrevimus fore terminand. Ac volentes proinde ipsos Baccalarios in Jure *Canonico & Civili*, ac alios studentes in eisdem facultatibus, ne contingat ipsos in studio suo & gradu in hac parte suscipiendo impediri, favore prosequi gratioſo, ac statum & gradum eorum interrim ſervari pacificè & quietè, absque innovacione seu occasione vel impedimento quovismodo faciend. aliter quam ante brigam & rixam prædictas fieri consuevit, suscepimus ipsos Baccalarios in Jure *Canonico & Civili*, & omnes & singulos studentes in eisdem facultatibus, ac statum & gradum eorum in protectionem & defensionem nostram specialem. Et ideo vobis & cuilibet vestrum injungimus & mandamus, quatinus ipsos omnes & singulos Baccalarios & studentes in Jure *Canonico & Civili*, ac statum & gradum ipsorum manuteneatis, protegatis & defendatis, non inferentes eis seu eorum alicui inferri permittentes injuriam, molestiam, dampnum, violenciam, impedimentum aliquod seu gravamen. Et si quid eis forisfactum sive injuriatum fuerit, id eis sine dilatione corrigi faciatis. *In cujus &c. Teste Rege apud Westm. 27 die Febr.*

Pat. 30. E. 3.
M. 35. dorſo.
De Custodibus
Pacis in villâ
Oxon. constitutis.

REX dilectis & fidelibus suis Cancellario Universitatis Oxon. vel ejus vices gerenti, ac Majori ejusdem Villæ qui nunc sunt, vel qui pro tempore erunt, & Waltero Perle, David Hamme-
mere, & Johanni de Baldyngton, salutem. Scia-
tis, quod assignavimus vos conjunctim & divi-
ſim ad pacem nostram, nec non ad statuta apud
Wynton. North. & Westm. pro conservacione pa-
cis

cis ejusdem edicta in omnibus & singulis suis articulis in villâ *Oxon.* & in suburbio ejusdem custodiend. & custodiri faciend. & ad omnes illos quos contra formam statutorum prædictorum delinquentes inveneritis castigand' & puniend. prout secundum formam Statutorum eorundem fuerit faciendum, & ad omnes illos qui aliquibus de populo nostro de corporibus suis vel de incendiis domorum suarum minas fecerint, ad sufficientem securitatem de pace & bono gestu suo erga nos & populum nostrum inveniendam coram vobis venire, & si hujusmodi securitatem invenire recusaverint, tunc eos in prisonâ nostrâ quousque hujusmodi securitatem invenerint salvâ custodiâ faciend. assignavimus, &c. Nolumus autem quod vos præfati Major, *Walter. David,* & *Johannes,* de aliquibus de quibus Cancellarius Universitatis prædictæ solus, virtute libertatum Universitati villæ prædictæ per nos & progenitores nostros concessarum cognitionem habere debet, colore præsentis assignacionis nostræ in aliquo intromittatis. *In cujus,* &c. *T. R. apud Westm. 13 die Febr.*

RE X dilectis sibi Magistro Johanni Marre ^{Pat. 51. Ed. 3.}
 Doctori sacre Theologiæ, Magistro Jo- ^{pars 1. m. 28.}
 hanni Packwode Doctori Decretorum, Magistro ^{dorso. De Dis-}
 Philippo Bryan, & Magistro Thomæ de Moun- ^{cordiis, &c.}
 tagu Juris Civilis Baccalario, Salutem. Sciatis, ^{in Universitate}
 quod cum, ut accepimus, factâ & celebratâ in U- ^{*Oxon. sedand.*}
 niversitate nostrâ *Oxon.* in crastino Purificatio-
 nis beatæ Mariæ prox. præterito, quadam con-
 gregatione modo & formâ quibus decuit, juxta
 statuta & privilegia Universitatis prædictæ, ac
 certis gratiis, dispensationibus & reconciliatio-
 nibus diversis personis ibidem, ut est moris, de-
 bite factis & concessis; quidam Magistri in Ar-
 tibus de dictâ Universitate, qui dictæ congrega-
 tioni

gationi ex malitiâ & negligentia sua propria non intererant, ac alii fautores & complices sui nonnullis personis facientibus gratias, dispensationes & reconciliationes hujusmodi, ac eas optinentibus invidentes, easdem gratias, dispensationes & reconciliationes pro viribus impedire procuraverint, & nitantur, & tam eas quam congregationem prædictam, si illorum potestas voluntatibus suis responderet, cassare vellent totaliter & adnullare, & sic diversæ manutenentiæ, conventicula illicita, dissensiones & discordiæ ibidem habita ac facta existant, quæ nisi celerius per nos pacificata fuerint & sedata, in statutorum & privilegiorum prædictorum læsionem & enervationem, ac Scholarium studentium in Universitate prædictâ perturbationem, commotionem & terrorem, ac totius Universitatis illius scandalum & opprobrium tendet manifestè : Nos volentes hujusmodi voluntariæ malitiæ & periculis prout convenit obviare, & omnimodas dissensiones & discordias ibidem habitas, ut per hoc statuta & privilegia prædicta absque violatione custodiantur, & scholares prædicti honestati moribus & studiis vigilantius & quiètiùs vacent & intendant, ut tenemur, abolere ; Et de circumspectione & discretione vestris plenius confidentes, assignavimus vos & tres vestrum ad inquirendum, & vos congruis viis & modis quibus melius & celerius expedire videritis informand. utrum prædicta congregatio ac dictæ concessiones gratiarum, dispensationum & reconciliationum debitæ factæ fuerunt, secundum formam statutorum & privilegiorum prædictorum nec ne ? & si sic, tunc ad easdem congregationem, gratias, dispensationes & reconciliationes affirmand. & nostro nomine roborand. & quibuscumque vobis in hac parte reclamantibus vel contrariis silentium imponend.

nec

nec non ad diffensiones & discordias prædictas, & earundem causas & circumstantias examinand. sedand. pacificand. decidend. & finaliter terminand. & ad nos de nominibus vobis contrariantium in præmissis, si qui fuerint, in Cancellariâ nostrâ sub sigillis vestris vel trium vestrum certificand. ut pro eorum punitione ulterius fieri faciamus quod justum fuerit & ration. Et ideo vobis mandamus, quòd circa præmissa cum omni sollicitudine & efficacîâ intendatis, & ea faciatis & exequamini, decidatis & terminetis, in formâ prædictâ. Damus autem Cancellario & Procuratoribus, ac Regentibus & Non-regentibus, & quibuscumque aliis Universitatis prædictæ, nec non Vic. ac Majori & Ballivis Oxon. tenore præsentium, in mandatis, quòd vobis & tribus vestrum in præmissis intendentes sint; consulentes, respondentes & auxiliantes, quotiens & prout per vos vel tres vestrum super hoc requisiti fuerint ex parte nostrâ. *In cujus, &c. Teste Rege apud Westm. 26 die Februarii.*

REX Cancellar. & Procuratoribus Universitatis Pat. 6. R. 2. *†*
 Oxon. qui nunc sunt, vel qui pro tempore pars 1. m. 32.
 fuerint, salutem. Zelo fidei Christianæ, cujus De banniand.
 sumus & semper esse volumus defensores, moti & expellend.
 salubriter & inducti, volentes summo desiderio & villâ Oxon.
 impugnatores dictæ fidei, qui suas pravas & per- omnes fauto-
 versas doctrinas infra regnum nostrum Angl. res & recep-
 feminare, & dampnatas conclusiones eidem fidei tatores certo-
 notoriè obviantes, tenere & prædicare jam no- rum, hæretico-
 viter pessimè præsumpserunt & conantur, in rum, &c.
 perversionem populi nostri, ut accepimus, an-
 tequam ulterius in suis procedant erroribus &
 maliciis, vel alios inficiant, reprimere, & con-
 dignâ castigatione coercere; Assignavimus vos
 ad inquisitionem generalem, assistentibus vobis
 omnibus Theologis Universitatis prædictæ re-
 gentibus

gentibus faciend. ab omnibus & singulis Graduatis, Theologis & Juristis Universitatis ejusdem, si quos de jurisdictione Universitatis illius agnoverint, qui sint eis probabiliter suspecti de favore, credentiâ, vel defensione alicujus hæresis vel erroris, & maximè quarundam conclusionum per venerabilem patrem *Willielmum Archiepiscopum Cantuar.* de consilio sui cleri publicè dampnatarum, vel etiam alicujus conclusionis alicui earundem consimilis in sententiâ vel in verbis; & si aliquos de cætero inveneritis, qui quicquam prædictorum hæresium vel errorum, vel quemcumque consimilem crediderint, foverint, seu defenderint, vel qui Magistros *Johannem Wycliff, Nicholam Herford, Philippum Remyngdon, vel Johannem Aston, vel aliquem alium* de aliquo prædictorum hæresium vel errorum, seu alio simili in verbis vel sententiâ probabili suspitione notatum, in domos & hospitia ausi fuerint receptare, seu cum eorum aliquo communicare, vel sibi defensionem aut favorem præbere præsumpserint aliqualem, ad hujusmodi fautores, receptatores, communicantes & defensores, infra septem dies postquam præmissa vobis constiterint, ab Universitate & villâ *Oxon.* banniend. & expellend. donec coram Archiepiscopo *Cantuar.* pro tempore existente suam innocentiam manifestâ purgatione monstraverint; Ita tamen, ut se purgare cogantur, ipsos tales esse nobis & eidem Archiepiscopo de tempore in tempus infra mensem sub sigillis vestris certificetis. Mandantes insuper quòd per universas aulas Universitatis prædictæ diligenter inquiri & scrutari fac. indilatè, si quis aliquem librum sive tractatum de editione vel compilatione prædictorum Magistrorum *Johannis Wycliff vel Nicholai* habuerint, & quòd librum illum sive tractatum, ubicumque contigerit inveniri, arrestari,

stari, capi, & præfato Archiepiscopo infra mentem, absque correctione, corruptione, seu mutatione quâcumque, quo ad ejus sententiam vel verba, præsentari fac. Et ideò vobis in fide & ligeantia quibus nobis tenemini, & sub forisfacturâ omnium & singulorum libertatum & privilegiorum Universitatis prædictæ, & omnium aliorum quæ nobis forisfacere poteritis, injungimus & mandamus, quòd circa præmissa bene & fideliter exequenda diligenter intendatis, & ea fac. & exequamini in formâ prædictâ: Et quòd præfato Archiepiscopo, & ejus mandatis licitis & honestis, vobis in hac parte dirigend. pareatis, prout decet. *Damus autem Vic. & Majori Oxon.* pro tempore existentibus, ac universis & singulis *Vicecomitibus, Majoribus, Ballivis, Ministris,* & aliis fidelibus & subditis nostris, tenore præsentium, in mandatis, quòd vobis in executione præmissorum auxilientur, pareant & intendant. *In cujus, &c. Teste Rege apud Westm. 13^o die Julii.*

Per Consilium.

REX *omnibus ad quos &c. salutem.* Supplicarunt nobis Fratres ordinis prædicatorum in regno nostro Angl. ut cùm prædictus ordo institutus fuerit in subsidium Ecclesiæ, & ad expugnand. hæreses & errores, & ad prædicand. populo verbum Dei, ad quæ scientia & bona vita maximè requiruntur, in quibus Doctores prædicti ordinis in Universitatibus *Oxon. & Cantabrig.* per præsentationem dicti ordinis consueverant examinari, & sic ad gradum Magisterii promoveri; & nunc quidam Fratres dictorum regni & ordinis notabiliter viciosi, ut puta apostatæ, & propter sua scelera carceribus in ordine condemnati, mare transeuntes, subdolè &

†
*Pat. 14. R. 2.
pars 1. m. 6,
De Fratribus apostat.
ad gradum
magisterii non
promouend.*

& fraudulenter procurant sibi gradum Magisterii & alias exemptiones, in detrimentum Ecclesiæ, læsionem fidei Catholicæ, & præjudicium & scandalum nostrum & regni nostri, ac vercundiam ordinis antedicti; velimus ob zelum Dei, & fidei quem habemus ad Ecclesiam & ordinem antedictum, super præmissis de remedio congruo providere. Nos igitur ordinem antedictum & statum ejusdem cordi specialiter habentes, damus universis & singulis Fratribus regni nostri ordinis antedicti, tenore præsentium, firmiter in mandatis, quatenus ipsi sub forisfacturâ omnium quæ nobis forisfacere poterunt, nullum Fratrem apostatam ejusdem ordinis, seu in ordine antedicto carceri condemnatum, seu notabiliter viciosum, qui sibi gradum Magisterii seu gratias exemptorias procuravit, admittant ad libertates, honores, seu favores Doctoribus in Theologiam in ordine prædicto consuetos, nec aliqui tali Fratri faveant in aliquo præmissorum, sed omnem talem Fratrem solummodo secundum conversationem suam & demerita & statuta dicti ordinis pertractent, & etiam quantum poterunt nullum tamen apostatam seu notabiliter viciosum colerent; seu permittant gratiis seu hujusmodi privilegiis exemptoriis gaudere, sed procurantem tales gratias exemptorias, seu eisdem utentem, sub poenâ præmissâ, secundum regulam dicti ordinis & statuta, tanquam suis professioni & ordini contrarium, tractent in omnibus, secundum sui ordinis disciplinam. *In cujus, &c. Teste Rege apud Westmonasterium primo die Decembris.*

Per Breve de Privato Sigillo.

QUIA insuper nova via frequentius seducit
quàm antiqua ; Volumus & mandamus,
quòd nullus libellus, sive tractatus, per Magi-
strum *Johannem Wyckliff*, aut alium quem-
unque tempore suo, aut citra, noviter compo-
situs, sive in posterum componendus, amodò
legatur in scholis aut hospitiiis, seu locis aliis
uibuscumque infra nostram Provinciam ante-
dictam, sive secundum ipsum doceatur, nisi per
Universitatem *Oxon.* aut *Cantebrię*, seu saltem
2 personas ejusdem, quas eadem Universitates
ut altera earundem, sub nostrâ successorumve
nostrorum discretione notabile duxerint eligen-
das, primitus examinetur, & examinatus una-
nimiter per easdem, deinde per nos seu succe-
ssores nostros, expressè approbetur : & Univer-
sitatis nomine & auctoritate stationariis tradatur,
ut copietur, & factâ collatione fidei petentibus
vendatur justo pretio, sive detur, originali in-
scriptâ aliquâ Universitatis ex tunc perpetuò re-
manente. Quòd si quis libellum vel tractatum
hujusmodi in scholis vel alibi, ut suprà, legerit,
sive secundum ipsum docuerit, contra formam
supradictam, ut seminator scismatis & fautor
hæresis puniatur, prout delicti qualitas flagi-
averit.

Statuimus igitur & ordinamus, ut nemo de-
inceps textum aliquem sacræ scripturæ, aucto-
ritate suâ, in linguam Anglicanam, vel aliam,
ransferat, per viam libri, vel libelli, aut tra-
ctatus ; nec legatur aliquis hujusmodi libellus,
ut tractatus, jam noviter tempore dicti *Johan-
nis Wyckliff*, sive citra, compositus, aut in poste-
um componendus, in parte vel in toto, publicè
vel occultè, sub pœnâ majoris excommunicatio-
nis, quousque per loci diocesenum, seu, si res
exegerit,

*Constit. Pro-
vinciales Tho.
Arundellis
Cant. Archiep.
in Convoca-
tione clari ip-
sius Provinciar
Oxon. cele-
brata A. D.
1408. &
publicata in
Eccles. S.
Pauli Lond.
in presentia
suorum suffra-
ganeorum, An.
1409.
Jodocus Ba-
dini Constit.
Provincial.
ab Archiepisc.
Cant. edit.
f. 153. Pro-
vincialis Gui-
lardi Lond.
mode, l. 5.
Tit. de Ma-
gistris, f. 205,
206.
H. Spelmanni
Concilia, Tom.
2. p. 665.*

exegerit, per Concilium provinciale, ipsa translatio fuerit approbata. Qui verò contra hoc fecerit, ut fautor hæresis & erroris similiter puniatur.

Provincialis,
l. 5. f. 205,
¶ 6.

William Lyndewood, in his *Gloss on the first of these Constitutions*, c. Johannem Wycliff, habet *this Addition*.

* *For's A.D.*
and *Monum.*
vol. I. p. 606,
607.

Hæresiarum magnum, qui multas hæreses antiquas resuscitavit in Angliâ tempore suo, & ex cujus doctrinâ tota * Bohemia intoxicata extitit, & est de præsentî : in tantum quòd Papa Martinus quintus modernus contra ipsos Bohemos fidei orthodoxæ rebelles cruciatum erexit hoc anno domini M.CCCC.XXIX. sub ducturâ reverendissimi patris Domini Henrici tituli sancti Eusebii Presbyteri Cardinalis Angliæ, dicti Wynton. in partibus Germaniæ, Hungariæ, & Bohemiæ Apostolicæ sedis legati ; & dicti Johannis Wycliff corpus, quod erat sepultum in ecclesiâ parochiale de Loterworth, Lincoln. Diocesis, ubi fuit rector, de f. mandato & decreto sedis Apostolicæ fuit extrinatum, & ejus ossa combusta, cineribus eorundem projectis in proximum annum, ad damnationem & deletionem memoriæ suæ, reverendo patre Domino Richardo Flemmyng, Lincoln. Episcopo moderno præmissa exequente, anno Domini M.CCCC.XXVII.

† *Ibid.* p. 607,
606.

Parl. II. H. 4.
n. 50.

Item suppliount treshumblement sibien les Chivalers, Esquiers, & autres Gentiels des Countees d'Oxenford & Berk: come les Mair & Burgeyses de ville d'Oxenford, qe come nostre Seigneur le Roi ore tarde par disloial suggestion, ad graunt par ses Lettres Patentes al Chancelier & Escolers del Universitee itoeques, & leur successeurs a toutz jours, qils ne leur servantz,

servantz, ne null qe soit deffout leur privilege,
 ne serroit mys a respoundre devant aucune Juggé
 nostre Seigneur le Roy de tresone, felonie, ou
 naheme, par eux fait deins la ville ou Coun-
 tees suisditz, si non devant leur seneschal de-
 mesme, & en mesme la ville; & filz pledent
 al issue de pays, qe la moite de lenquest sera
 pris par gentz queux sount deffout leur privi-
 lege & leur servantz, retournez par les Bedelles
 du dicte Universitee; & qe chescun Juggé &
 Ministre nostre Seigneur le Roi doit liverer a
 eux les Appelles & Inditements des matiers suif-
 ditz, quant ils sount par eux requis, sur peyne
 de CC. L. le qele est molt encountre commune
 droit, la Ley du terre, & la regalte nostre Sei-
 gneur le Roy, & overt matier pur faire debate
 & dissencion entre l'Escolers illoeges & les sup-
 pliantz avantditz, & autres lieges nostre dit
 Seigneur le Roy, Please a nostre Seigneur le
 Roy considerer la matier avantdit, & les mie-
 chiefs queux purront avenir en celle partie, & qe
 les ditz Lettres Patentes en ceste present Parle-
 ment soient repellez, adnullez, revokez, & tout
 autrement cassez, & de ce en avant pur nulle tenur.

Resp. soit Briefe direct a Chaynceller d'Ox-
 ford destre devant le Counseil du Roy a West-
 muster a les Oeptaves de la Trinite prochaine
 pur y monstre les Charters de Libertees &
 Fraunchises grauntees a la Universitee d'Ox-
 ford, & ait mesme le Counseil poair par aucto-
 rite de Parlement, appelez a eux les Justices
 & les Sergeantz du Roy, de examiner le graunt
 fait de les ditz Libertees & Fraunchises, & qe
 surce de tielz Libertees & Fraunchises come
 leur semble molt prejudicielx au Roy, soient
 modittez & resourmez solone leur fages dis-
 crecions; & quant a les autres Libertees &
 Fraunchises comprisez en leur ditz Charters,
 queux

queux sont prejudiciels a mon Seigneur le Prince, ou a Levesque de Wynchestre, ou a autres persones qont libertees, celles parties, soient les conseils sibien de mon dit Seigneur le Prince, come le dit Evesque, & de les autres persones dessuisditz devaunt le dit Conceil, appellez a eux les Justices & Sergeantz dessuisditz, & oiez & entenduz lour raisons dambes parts; face mesme le Counceil par auctorite de Parlement, ce qe meultz leur semblera en les matiers dessuisdites.

*Pat. 11. H. 4.
pars 2. m. 22.
intus. De
confirmations
Oriell.*

REX omnibus ad quos, &c. salutem. Inspecimus quasdam Literas indentatas inter Cancellarium & Scholares Universitatis nostre Oxon. & Præpositum & Scholares Collegii nostri de Oriell. ejusdem Universitatis factas, in hæc verba. Omnibus Christi fidelibus præsentibus indentatas Literas inspectur. Nos Johannes Possell. Præpositus, & Scholares domus beatæ Mariæ Oxon. Collegii de Oriell. alias Aula Regalis vulgariter nuncupatæ, Salutem. Cum ex famâ veteri crebrescente librorum & monumentorum antiquorum aspectibus experimur, quod quondam & ab antiquo domus quædam in cemeterio Ecclesiæ beatæ Mariæ Virginis Oxon. ex parte Boreali Cancelli scituata Ecclesiæ supradictæ, domus Congregationis Universitatis Oxon. vulgariter nuncupata, per quendam ab Universitatis quondam antiquo Scholarem licentiâ præbiâ legitimâ omnium quorum interfuit in hac parte elemosinariè ædificata fuerat & constructa, per dictamque Universitatem, Cancellar. videlicet & Scholares antequam dictæ Ecclesiæ Beatæ Mariæ nobis & domui nostræ supradictæ fuerat approbata, unita quomodolibet vel annexa, habita, possessa in dispo-

dispositioneque liberâ Universitatis antedictæ, ante, citra, & continuè in hunc diem recognitionis præsentium, tam in parte inferiori, quam superiori, cum omnibus suis pertin. unâ cum libero & perpetuo ingressu & egressu ad eandem, cum potestate etiam liberâ aliam sive novam domum, ibi, si voluerit, & cum voluerit, seu quicumque alius vel quicumque alii Universitatis intuitu voluerit vel voluerint Cancellar. videlicet & Scholares antedicti, construend. Cujus quidem domus Congregationis dominium, possessionem pacificam, usumque quietum, & dispositionem liberam, cum pertin. ejusdem, ut prædicitur, per prædictos Universitatem, Cancellar. videlicet & Scholares, habitum & habitas, possessum & possessas, recognitum & recognitas, retentum & retentas ab antiquo prædecessores nostri nostræ domûs, nostra etiam & nos domûs antedictæ, sub sigillo eorum, ejusdem nostrumque communi, postquam legitimè Ecclesia prædicta appropriata nobis fuerat & annexa Cancellar. & Scholaribus antedictis, in nostrum nostræ domûs & Ecclesiæ meliorationem, commodum & augmentum, in benefactorum compensam diversorum, tam in oblationibus gratuitis, ornamentisque diversis dictæ jam nostræ Ecclesiæ per eosdem Cancellar. & Scholares pluries certis anni festis & temporibus factis, gratuitèque concessis, in majus commodum, uberiores etiam utilitatem dictæ nostræ jam Ecclesiæ & domui redundantium, quam usus, dispositionis liberæ vel possessionis pacificæ Congregationis domûs accresceret supradictæ, oblationibus ornamentisque prædictis non factis inibi nec concessis, à nobis etiam & Ecclesiâ nostrâ retentis, ratificavit, confirmavit, concessit & recognovit, ratificaverunt, confirmaverunt, concesserunt & recognoverunt, ratificavimus,

ficavimus, confirmavimus, concessimus & re-
 cognovimus communi sub sigillo, reservato eis
 nobisque & domui nostræ in futurum perpetuo
 denario annuo Anglicano in festo Assumptionis
 beatæ Mariæ Virginis, si petitus fuerit, fideliter
 persolvendo; reservatis etiam oblationibus in
 domo prædictâ, tam inferiori quàm superiori,
 in divinis, sive ad ymaginem ymagineve tem-
 pore quocumque ibidem impofterum existen-
 tem vel existentes, in pecuniis vel localibus of-
 ferendis, si quæ fuerint, nobis & Ecclesiæ su-
 prædictæ nostræ impetracionibus seu concessioni-
 bus privilegiorum Domini nostri Papæ vel cu-
 jusvis alterius, dictis Universitati, Cancellar.
 videlicet & Scholaribus Congregationis præ-
 dictæ domuve concessis, vel aliis impetratis
 concedend. impofterum, vel quomodolibet im-
 petrands concedend. impofterum, vel quomo-
 dolibet impetratis in hac parte non obstantibus.
 Considerantes verò temporibus jam modernis,
 desiderio etiam omni cordis, vocis, & operis
 realiter affectantes, quòd Universitas antedicta
 jure, dominio, usu, possessione, dispositioneque
 liberâ, tam sub quàm supra, domus Congrega-
 tionis antedictæ, cum suis pertinen. unâ cum
 libero & perpetuo ingressu & egressu ad easdem,
 inferiorem videlicet & superiorem, cum pote-
 estate etiam liberâ aliam & novam domum ibi,
 si voluerint, & cum voluerint, seu quicumque
 alius quicumqueve alii Universitatis intuitu de-
 votè, eleemosinariè, voluntariève voluerit,
 Magistri videlicet & Scholares antedicti, con-
 struend. benè, pacificè, plenè & uberè, ple-
 niùs & meliùs fruantur, uberius & utantur,
 perpetuis temporibus extunc & impofterum
 exnunc futuris. Nos Præpositus & Schola-
 res antedicti recognoscentes, & per præsen-
 tes sigillo nostro communi roboratas & mu-
 nitas

nitas recognoscimus, scimus veraciter & fate-
mur, testimonium perhibentes in hac parte veri-
tati pro nobis & successoribus nostris perpetuò,
quòd à tempore, ante & citra, illius liberæ dispo-
sitionis continuè in hunc diem, Universitas ante-
dicta, Cancellar. videlicet & Scholares, in illâ
domo totali Congregationes antedictâ, tam altâ
quàm bassâ, cum pertin. suis, ut prædicitur,
habuerunt, habere consueverunt, quietè & ju-
ridicè habent & possident, usque pacificè in
hunc diem, prout nobis liquet manifestè per
præsentes, in Universitatis, Thomæ Prestbury
Cancellar. videlicet Magistrorum & Scholarium
præsentiâ, asserentibus, confitentibus, dicenti-
bus sæpius pluries, & ex certâ recognoscentibus
scientiâ, habuit & habuerunt, & jam habent
dispositionem liberam per consuetudinem ap-
probata, possessionem, ut prædicitur, pacifi-
cam, legitimèque præscriptam, per decem, vi-
ginti, triginta, quadraginta, quinquaginta,
sexaginta, ultra & citra, necnon per tempus &
* tempora cujus contrarii memoria non existit, * *Nota.*
cum potestate, ut prædicitur, liberâ aliam &
novam ibi domum construend. cum libero &
perpetuo ingressu & egressu ad easdem, cum
pertin. suis, ut prædicitur, hîc expressis. Quam
quidem domum cum pertin. ut prædicitur, ex
causis præmissis, aliisque legitimis, sic per Uni-
versitatem, Cancellar. videlicet & Scholares an-
tedictos, habitam, possessam, dispositam & re-
tentam, eidem Universitati traditam & recog-
nitam, ratificatam, ut præfertur, consuetudi-
natam per tempus & tempora † cujus contrarii † *Nota.*
memoria hominum non extitit, laudabiliterque
præscriptam, penes Universitatem prædictam,
Cancellar. videlicet & Scholares, existere volu-
mus, & perpetuò remanere, in bonisque Uni-
versitatis consistere antedictæ: Nos, successo-
resque

resque nostros temporibus futuris perpetuis existentes, ab omni juris & facti actione, petitione, clameo & titulo nobis, successoribus nostris & domui nostræ beatæ Mariæ supradictæ, contra prædictos Universitatem, Cancellar. videlicet & Magistros, ratione, occasione vel causâ domus prædictæ Congregationis, cum pertin. & descriptionibus, ut prædicatur, competenti vel competitur. imposterum penitus & perpetuò fore & esse exclusos & privatos & exutos, discernimus & fatemur per præsentés. Hoc excepto, quòd nos & successores nostri domum prædictam Congregationis ingredi possumus liberè, sicut alii Universitatis Scholares gradus consimilis, prout moris est vel erit, cum voluerint; supradictam. Salvis semper nobis & successoribus nostris, & realiter reservatis Ecclesiæ nostræ & domui in futur. perpetuo prædicto annuo denario, si petitus per nos vel nostros fuerit successores, oblationibus etiam nobis reservatis sub eisdem modo & formâ clarè superius expressatis, cum potestate liberâ nobis quæ subsequitur reservatâ; videlicet, quòd si contingat dictum denarium annum, vel oblationes in domo prædictâ factas, si quæ sint, à retrò existere in parte vel in toto, non solum vel solutas, post trinam requisitionem, Cancellar. Procuratoribus & Regentibus pro tempore existentibus, tribus diebus in domo prædictâ Congregationis, ex causâ Congregationis vel Convocationis, prout moris est in unum congregatis, perhabentem ad hoc specialem potestatem à domo prædictâ beatæ Mariæ eisdem sub eodem sigillo communi ostensam, præsentibus annexo; quòd tunc bene liceat nobis & successoribus nostris dictam domum superiorem tantum ingredi, & ibidem bona existentia etiam & domum occupare & retinere, quousque de dicto denario & colla-

collacionibus à retrò existentibus plenariè fuerit satisfactum, recognitione, concessione, relaxatione prædictis in aliquo non obstantibus. Ut autem hujusmodi concessio, confessio, recognitio, traditio & dismissio domûs Congregationis prædictæ, per nos & nostram domum factæ, concessæ, traditæ & dismissæ per Universitatem etiam, Magistros & Scholares, ex hiis superscriptis & aliis, consuetudinariè, legitimè, ulterius etiam memoriam hominum, ut prædicatur, laudabiliterque præscriptam, nostra etiam & domûs nostræ confessio, recognitio & concordia præmissorum, uberius Universitati, Cancellario, Magistris & Scholaribus accrescat & accrescant, firmitus etiam & solidius in Universitatis bonis consistat perpetuò domus Congregationis antedictæ, sine clameo, actione juris vel facti, remedio, impetitione, molestacione, inquietatione, perturbatione aliquibus, nisi, ut præmittitur, per nos nostrosve successores, vel nostram domum, aliquem vel alium nomine nostro vel domûs nostræ prædictæ, contra Universitatem, Cancellar. Magistros & Scholares, ratione, occasione vel causâ domûs Congregationis prædictæ in inferiori & superiori, & cum pertin. ut præfertur, imposterum movend. fuscitand. vel fiendis, Reverendissimus in Christo Pater & Dominus, Dominus *Thomas Arundell* Cantuar, Archiepiscopus, totius Angliæ Primas, Apostolicæ sedisque Legatus, in nostræ domûs & Ecclesiæ melioracionem, commodum & augmentum domûs, contemplatione Congregationis antedictæ in usus perpetuos Universitatis & quietos permanuros existere & permanere debere in futurum, quinquaginta marcas bonæ & legalis monetæ Anglicanæ nobis domuique Ecclesiæ nostris prædictis realiter præmanibus persolvit pro compensâ majori concordiaque perhenni jam

inter nos propter hoc perpetuò solidat. & ex abundanti quiete sempiternâ servand. fideliter partium prædictarum. In cujus rei testimonium partes prædictæ, Universitas videlicet & domus sanctæ Mariæ antedictæ, sigilla sua huius Litteris alternatim apposuerunt. Dat. Oxon. in Ecclesiâ beatæ Mariæ Virginis decimo septimo die mensis Martii, anno Domini Millesimo CCCC. nono, & regni Regis Henrici post Conquestum, undecimo. Nos autem literas prædictas, ac omnia & singula in eisdem literis contenta, rata habentes & grata, ea pro nobis & hæredibus nostris, quantum in nobis est, acceptamus, approbamus, & tenore præsentium confirmamus, prout literæ prædictæ rationabiliter testantur. Et ulterius, ex mero motu nostro, & ob internam affectionem, quam ad Universitatem nostram prædictam gerimus, & habemus, de gratiâ nostrâ speciali concessimus præfatis Cancellar. & Scholar. & eorum successoribus, quòd licet dicta domus Congregationis præfatis Cancellar. & Scholaribus post statutum de religiosis de terris seu ten. ad manum mortuam non ponend. vel ante dictum statutum seu aliud statutum, causam, forisfacturam, vel quemcumque titulum, qui ad nos vel hæredes nostros in dictâ domo pertinere poterit, data, concessa, vel appropriata fuerit, iidem tamen Cancellarius & Scholares, & eorum successores, inde per nos vel hæredes nostros, Justic. Escaetores, Ballivos vel Ministros nostros vel hæredum nostrorum quoscumque, futuris temporibus, non impetantur, molestantur, inquietentur, vel graventur, set dictam domum habeant, & eâ gaudeant juxta effectum literarum prædictarum. In cujus, &c. T. R. apud Westm. 19 die Aprilis.

Per Breve de Privato Sigillo, & pro unâ Marcâ solutâ in Hanaperiâ.

REX

REX Cancellar. Universitatis sua Oxon. vel Pat. 12. H.4. *De inquisitione*
 ejus Commissariis, ac dilecto Consanguineo suo m. 17. dorso.
 Magistro Richardo Courtenay, nec non Magistro
 Rogero Corynham, Clericis, salutem. Quia ex
 elatu plurium certitudinaliter informamur,
 quod complures riotæ, discordiæ, divisiones &
 lebatæ in Universitate prædictâ, inter nonnul-
 os de eadem Universitate jam de novo motæ
 existunt & subortæ, per quæ pax nostra ibidem
 ædi, ac alia quamplura nobis & coronæ nostræ
 Regiæ præjudicialia, & populo nostro damp-
 nosa, verisimiliter generari formidantur, si super
 hoc remedium congruum citius non adhibeatur:
 Nos præmissa debite considerantes, ac dampnis
 & periculis quæ inde sequi possunt obviare vo-
 entes, ut tenemur; Assignavimus vos, super
 omnibus omnium & singulorum illorum de
 Universitate prædictâ, qui riotas, discordias,
 divisiones & debatas prædictas, in formâ præ-
 dictâ moverunt, aut eas causarunt, vel adhuc
 manutinent, qualiter & quomodo, tam per
 inquisitiones coram vobis per Clericos & gentes
 Laicas in formâ debitâ, & ibidem ante hæc tem-
 pora legitimè usitatâ, capiend. quàm aliis viis
 & modis licitis & honestis, quibus melius scive-
 ritis seu poteritis debite informand. & ad inqui-
 sitiones hujusmodi, unâ cum certificatione to-
 tius facti vestri in hac parte, cum præsens man-
 datum nostrum fueritis executi, nobis in Can-
 cellariam nostram sub sigillis vestris distinctè &
 aperte sine dilatione mittend. unâ cum hoc
 breve; ut hiis inspectis, ulterius pro castiga-
 tione delinquentium prædictorum, de avisa-
 mento Consilii nostri taliter providere & ordi-
 nare valeamus, quod aliquis consimilia in Uni-
 versitate prædictâ movere, causare, aut manu-
 tenere

tenere non audeat in futurum, castigatioque hujusmodi omnibus aliis cedere valeat in exemplum talia perpetrandi. Et ideo vobis mandamus, quod circa præmissa diligenter intendatis, & ea faciatis & exequamini in formâ prædictâ. Damus autem *Vic. nostro Oxon. ac Majori & Ballivis Villa Oxon.* nec non aliis fidelibus ligeis & subditis nostris ibidem, tam infra libertates quàm extra, tenore præsentium firmiter in mandatis, quod vobis in executione præmissorum intendentes sint, consulentes & auxiliantes, prout decet. *In cujus, &c. Teste Rege apud Wyndesore, 24 die Aprilis.*

*Claus. 28. E. I.
m. 3. dorso.*

†

REX dilectis sibi in Christo Cancellario & Universitati Oxon. salutem. Quia super jure & dominio quæ nobis in regno *Scotia* competit, & quæ antecessores nostri Reges *Anglia* in eodem regno *Scotia* habuerunt temporibus retroactis, cum jurisperitis & aliis de Consilio nostro speciale colloquium habere volumus & tractatum. Vobis mandamus firmiter injungentes, quod quatuor vel quinque de discretioribus & in jure scripto magis expertis Universitatis prædictæ, ad Parlamentum nostrum apud *Lincoln.* mittatis; ita quod sint ibi in Octabis sancti *Hilarii*, nobiscum & cum cæteris de Consilio nostro super præmissis tractaturi, vestrumque consilium impensuri: & hoc, sicut nos & honorem & commodum regni nostri diligitis, nullatenus omittatis. *Teste Rege apud le Rose, 28 die Septembris.*

Eodem modo mandatum est Cancellario & Universitati Cantebr. quod mittant ad dictum Parlamentum duo vel tres de discretioribus & magis in jure scripto expertis Universitatis prædictæ, &c. *Teste ut supra.*

Excellentissimo Principi & Serenissimo Domino *Bundel. Bre.*
 Domino E. Dei gratia Illustri Regi Angli- *vium & Lite-*
 fui (si placet) Cancellarius Universitatis Oxo- *rar. An. 28. &*
 nia, catusque unanimis Magistrorum, Devotio- *29. E. 1. in*
 nis obsequium, & reverentia debitum cum ho- *Turri Lond.*
 nore. Literas Regia Majestatis suscepimus, con-
 tinentes, ut ad vestrum Parlamentum *Lincoln.*
 pro arduis Regni negotiis pertractandis cum cæ-
 teris de consilio, quatuor saltem mitteremus
 Magistros. Sanè præceptis Regiis obtemperare
 propensius congaudentes, serenitati Regali Ma-
 gistros quatuor destinamus, quorum facta & no-
 mina apud Scholasticos † extolluntur, viros † *Nota.*
 utique Scientiâ Juris præditos, & moribus venu-
 statos, vestrique honoris & famæ fervidos zela-
 tores: Rogantes humiliter, ut Regia liberalita-
 tis immensitas & affluentia bonitatis ipsos digne-
 tur recommendatos habere, atque remittere,
 prosperatis vestro pro beneplacito negotiis ex-
 peditis: Dierum longitudinem cum salute adji-
 ciat vobis ille per quem Reges regnant, & Prin-
 cipes dominantur.

Excellentissimo Principi Domino, Domino Ed- *Ibidem.*
 wardo, Dei gratia, Regi Anglia Illustri, de-
 voti sui Cancellarius Cantebrig. & tota Univer-
 sitas cum humili recommendatione; seipsos ad
 mandata paratos, & in Rege Regum feliciter
 triumphare. Ad mandatum Serenitatis vestrae
 providos viros & discretos Magistros *Simonem*
de Waldene Monachum, & *Hugonem Sampsonem*
 Jurisperitos, ad vestrae Dominationis præsen-
 ciam destinamus; ut in viis quæ vos & regimen
 vestrum contingere didoscuntur, pareant in om-
 nibus & intendant. Conserve vos, &c.

R E X

*Pat. 1. E. 3.
pars 1. m. 13.
intus. Pro U-
niversitate
Cantabrigg. de
mulieribus
publicis extra
dictam villam
amovend.*

REX omnibus ad quos, &c. salutem. Dignum esse censemus & gratum altissimo non immerito reputamus, quieti & honestati Scholarium taliter providere, ut ipsi subtractis quibuscumque occasionebus ex quibus vagandi materiam valeant assumere seu aliter delinquendi, studiis & disciplinis scholasticis intendant assidue sicut decet. Considerantes itaque, quod per mulieres publicas, si in villâ Cantabrigg. vel suburbio ejusdem moram trahere finerentur, dampna & pericula quamplurima multociens evenire, & juvenes ibidem studentes juvenili lasciviâ stimulante, per mulieres hujusmodi decipi poterunt de facili & fraudati, studium deserendo, propriisque voluptatibus adherendo; concessimus, quod nulla publica mulier infra dictam villam Cantabr. vel suburbium ejusdem converteretur & moretur. Et quod super hoc ad denunciationem Cancellarii Universitatis Cantabr. vel ejus Vices-gerentis, quedam proclamatio seu inhibitio ex parte nostrâ per Majorem & Ballivos dictæ Villæ, quater in anno vel pluries si necesse fuerit, fiat in eâdem villâ. Et si aliquæ hujusmodi mulieres ultra tres dies post proclamationem seu inhibitionem hujusmodi in villâ prædictâ vel suburbio ejusdem inveniantur conversantes, tunc ad denuntiationem dicti Cancellarii, vel ejus Vices-gerentis, per Majorem & Ballivos villæ prædictæ, qui pro tempore fuerint, capiantur & in prisonâ nostrâ villæ illius imprisonentur, quousque per ipsum Cancellarium vel ejus Vices-gerentem inde fuerint deliberatæ. *In cujus, &c. Teste Rege apud Not. 23. die Octobr.*

Per ipsum Regem.

R E X

REX *omnibus ad quos, &c. salutem.* Scia- Pat. 17. E. 3.
pars 2. m. 23.
intus. Pro
Universitate
Cantabr.
tis, quod ad fructus uberes, quos dilecta
nobis Universitas Cantebrigg. Mater & Propa-
gatrix studentium peritorum in Ecclesiā Dei
suā fecunditate produxit, & etiam ad locum bo-
num quem fructuosi palmites, ex ipsius Univer-
sitatis gremio prodeuntes, nobis & Progenitori-
bus nostris in Consiliis & agendis aliis tenuerunt
& tenere poterunt in futuro, dignæ consideratio-
nis intuitum dirigentes: ac pensantes, quod stu-
dentes ibidem tanto libentius & avidius profice-
re poterunt in studio, quanto magis à laicorum
& aliorum inquietudine liberi fuerint & quieti.
Volentēsq̃ue consideratione præmissā dictam U-
niversitatem favoribus prosequi gratiosis; volu-
mus & concedimus pro nobis & hæredibus no-
stris Cancellar. Magistris & Scholaribus Univer-
sitatis prædictæ, & successoribus suis, quod in
causis Clericorum ejusdem Universitatis, ex
mutuis datis & receptis ac taxationibus & lo-
cationibus Domorum, equis conductis, venditis
seu commodatis, ac pannis & victualibus mu-
tuum habentibus, & aliis quibuscumque rerum mo-
bilium contractibus in villā Cantebrig. seu sub-
urbis ejusdem ortum habentibus, prohibicio
nostra vel hæredum nostrorum de cætero ali-
quibus futuris temporibus non currat, nec lo-
cum habeat, sed causæ hujusmodi coram Can-
cellar. Universitatis prædictæ, qui pro tempore
fuerit, vel ejus Commissar. vel ejus locum te-
nente, non obstantibus hujusmodi Prohibicioni-
bus Regiis perpetuò decendantur. Volumus eti-
am & concedimus pro nobis & hæredibus nostris,
quod quilibet Burgensis dictæ villæ pro familiā
suā & servientibus suis, respondeat in empcioni-
bus & vendicionibus vini & aliorum victualium
quo-

quorumcunque, ipsorum Burgenfium, tam in suburbiiis quam villâ prædictis vendicioni expofitorum, ubi Scholaris eft una parcium, ipsis Burgenfibus de excessibus & injuriis per familiam vel fervientes fuos in hujusmodi empcionibus & vendicionibus factis, per præfatum Cancellar. vel ejus Vices-gerentem femel vel bis fi opus fuerit primitus debite præmunitis. Et quod dictus Cancellar. vel ejus Commiffar. aut Locumtenens qui pro tempore fuerit, cognitionem de hujusmodi excessibus & injuriis in emptionibus & vendicionibus prædictis ubi Scholaris eft una pars, ut prædicitur, habeat, & delinquentes in hac parte punire faciat, prout decet. Insuper, cum Cancellar. Universitatis prædictæ pro quiete ejusdem Universitatis, & conservacione pacis nostræ ibidem, ac malefactorum maleficiis refrenandis Clericos in eâdem Universitate delinquentes, tam pro suspicionibus & aliis causis diversis pro majoribus dampnis & periculis evitandis, quam pro delictis suis investigari & capi facere sæpius & diversimode oporteat, & committere custodiæ carcerali, & idem Cancellar. metuat se ad prosecutionem hujusmodi Imprisonatorum de imprisonamentis illis imposteriorum prægravari, & nobis fit supplicatum, ut indempnitati Cancellarii dictæ Universitatis velimus prospicere in hac parte: Nos considerantes, quòd Pax nostra ibique inviolabilitur observetur, & delinquentes in eâdem Universitate ad majorem quietem & tranquillitatem ejusdem debite castigentur; ac volentes Cancellarii Universitatis prædictæ pro tempore existentis securitati in præmissis providere, volumus & concedimus pro nobis & hæredibus nostris, quantum in nobis est, quod Cancellarii ejusdem

- Universitatis qui hactenus fuerunt; vel ex nunc erunt, aut eorum Commiffarii vel Locumtenentes,

tes, occasione imprisonamentorum Sclolarium dictæ Universitatis, seu aliorum per ipsos Cancellarios pro conservatione pacis & quiete Universitatis prædictæ, ac punitione & castigacione malefactorum hujusmodi ibidem hætenus imprisonatorum, seu ex nunc imprisonandorum; illorum videlicet, qui in eadem Universitate in villâ & suburbiis prædictis Sclolaribus seu eorum fervientibus, aut aliis de jurisdictione Universitatis prædictæ delinquentes inventi, seu de maleficiis ibidem perpetratis notoriè suspecti vel convicti fuerint, per Brevia nostra, vel hæredum nostrorum de audiendo & terminando, vel de falso imprisonamento, seu quovis alio colore in curiis nostris vel hæredum nostrorum sive aliis, aut alibi nullatenus occasionentur, inquietentur, molestentur in aliquo seu graventur. In cujus, &c. *Teste Rege apud Westm. 19 die Septembr.*

REX omnibus ad quos, &c. salutem. Ut *Pat. 6. R. 2. pars 2. M. 2. intus. Pro Universitate Cantebrieg.* Magistri & Scholares Universitatis nostræ Cantebrieg. suis studiis & scholasticis actibus vacent tranquillius & intendant, & ipsi ac alii sub jurisdictione Cancellar. dictæ Universitatis existentes, eo vigilantius ab excessibus, offensis, contumaciis & injuriis se abstineant committendis, quo commissâ noverint propinquiùs puniend. de gratiâ nostrâ speciali, & ad instantiam dilecti nobis in Christo fratris *Thome Russhok* de ordine Prædicatorum, Confessoris nostri, concessimus, quod Cancellar. Universitatis prædictæ, qui pro tempore fuerit, per literas suas patentes Cancellar. nostro *Angl.* pro tempore existenti significare possit, & certificare, de nominibus singulorum de jurisdictione præfati Cancellar. Cantebrieg. qui majoris excommunicationis vinculo

vinculo fuerint innodati, & quod dictus Cancellarius noster *Angl.* qui pro tempore fuerit, Brevia nostra in Cancellar. nostrâ fieri, & sub magno sigillo nostro consignari faciat pro captione illorum de jurisdictione prædictâ, qui sic per dictum Cancellar. *Cantebrieg.* fuerint excommunicati, & per quadraginta dies perseveraverint in eâdem, ad significationem five certificationem ipsius Cancellar. *Cantebrieg.* supradictam, per quinquennium prox. jam ventur. prout ad significationem & certificationem Episcoporum *Angl.* præfato Cancellar. *Angl.* faciend. de excommunicatis auctoritate ipsorum Episcoporum hujusmodi capiend. sit & fieri consuevit, & * prout Cancellar. Universitatis Oxon. hujusmodi privilegium ex concessione nostrâ per certum tempus dinoscitur optinere. *In cujus, &c. per dictum quinquennium duratur. Teste Rege apud Westm. 8 die Aprilis.*

Per Breve de Privato Sigillo, & per finem dimid. marc.

Bulla Sixti IV. ad confirmandas Chartas Universitatis Oxon. concessa.

A. D. 1479. F. F. fol. 74. & 49, &c. **S**IXTUS Episcopus Servus Servorum Dei ad perpetuam rei memoriam. Sedis Apostolicæ rectitudo, quæ in suis Actibus providâ circumspeditione dirigitur, bene merentibus præmia largiter confert, & illis concessis novæ probationis adjecto beneficio specialis favoris gratiam impertitur iis, quos facti evidentia designanter denotans & obsequiosos cognoscit eadem, ut & ipsi ad ejus beneplacita promptiores existant, & alii ad eorum exempla & similia propensius

penſis excitentur. Dudum ſiquidem feliciſis re-
cordationis *Boniſacio* Papæ 8. Prædeceſſore
noſtro pro parte Cancellarii Magiſtrorum Docto-
rum & Scholarium Univerſitatis ſtudii *Oxæ.*
Lincoln. Dicec. expoſito, quòd nonnulli claræ
memoriæ *Angliæ* Reges, qui fuerant pro tem-
pore, pro maiore quiete & tranquillitate ſtu-
dentium in eodem ſtudio, iſis Magiſtris, Do-
ctoribus & Scholaribus nonnulla ex poſt—
per tunc *Angliæ* Regem approbata inter alia
conceſſerant, quòd Cancellarius dicti ſtudii pro
tempore exiſtens haberet omnimodam cognitio-
nem vel quaſi quorumque contractuum facto-
rum, nec non punitionem ſeu quaſi delictorum
commiſſorum pro tempore infra limites Uni-
verſitatis prædictæ, ubi ſaltem altera partium
Scholaris vel ſerviens ejus aut aliàs juridiſctioni
dicti Cancellarii ſubjectus eſſet; ita quòd nul-
lus Scholaris præſati ſtudii vel ſerviens ipſius ſed
de huiusmodi juridiſctione dicti Cancellarii exi-
ſtens occasione præmiſſarum vel alicujus earun-
dem etiam tam per brevia Regia extra præſatam
Univerſitatem trahi potuiſſet, tribus caſibus,
viz. Homicidio, mutilatione & libero tenemen-
to duntaxat exceptis; quodque ipſi Magiſtri,
Doctores & Scholares, vigore conceſſionum hu-
juſmodi in pacificâ poſſeſſione vel quaſi privile-
giorum ſuorum fuerant à tempore cujus contra-
rii memoria non erat; ac eidem prædeceſſori
pro parte eorundem Magiſtrorum, Doctorum
& Scholarium ſupplicato, ut eis ſimilem con-
ceſſionem facere ac ipſos ab omni juridiſctione,
dominio & poteſtate quorumcunque Archiepiſ-
coporum, Episcoporum, etiam Legatorum na-
torum dictæ ſedis, nec non Episcoporum & alia-
rum Ordinariorum Judicum quod contractuum
initorum vel quaſi, nec non exceſſum ac
delictorum infra huiusmodi limites præſatæ U-
niver-

niverſitatis commiſſorum cognitionem & ipſorum exceſſuum ac delictorum nec non contractuum vel quaſi correctionem & punitionem unà cum ipſo Cancellario quoad præmiſſos duntaxat non ut præfertur exceptos caſus & omnes actus Scholaſticos authoritate Apoſtolicâ exemit & totaliter liberavit, ipſosque Scholares & perſonas alias quamdiu in præſato ſtudio ut præfertur degiſſent, præſato Cancellario ſubjecit; ita quòd idem Cancellarius de contractibus initis ac exceſſibus delictorum, nec non criminibus commiſſis per Scholares & alias perſonas huiusmodi cognoscere, exceſſusque crimina & delicta huiusmodi corrigere & punire, ac omnem Jurisdictionem etiam ſcholaſticam & ſpiritualem in eoſdem Scholares & perſonas alias exercere liberè & ſicite valeret ſecundum ſtatuta, privilegia & conſuetudines ſtudii prælibati, nec non quaſlibet excommunicationum, ſuſpenſionum & interdicti ſententias, ac quoscuque proceſſus, quas & quos contra præſatos Cancellarium, Scholares & alias perſonas dicti ſtudii contra tenorem & formam exemptionis & liberationis huiusmodi promulgari & haberi contingeret, irritos decrevit & inanes, Jurisdictione tamen & poteſtate prælibati Cancellarii Univerſitatis & Collegiorum ejuſdem ſtatutis & conſuetudinibus, privilegiis & libertatibus illis, præſertim quibus caveri dicitur, quod in præmiſſis Procuratores & congregatio Magiſtrorum dictæ Univerſitatis in huiusmodi Cancellarii Jurisdictionem haberent in omnibus ſemper ſalvis prout in ipſius Bonifacii Prædeceſſoris literis deſuper conſectis, quarum tenores hic pro inſertis & pro expreſſis haberi volumus, plenius contineur.

Cum autem ſicut accipimus, dilecti filii moderni Cancellarius, Magiſtri, Doctores, & univerſi Scholares præſatæ Univerſitatis cupiunt præ-

præmissis omnibus pro illorum subsistentiâ fir-
 miori, nostri adjici muniminis firmitatem ; Nos
 qui præfatos Cancellarium, Magistros, Docto-
 res & Scholares universos ob fervorem puræ
 devotionis & fidei, quam ad nos & Romanam
 gerunt Ecclesiam, speciali dilectione prosequi-
 mur, præfatorum, tam per charissimum in Chri-
 sto filium Edvardum modernum, quam alios
 præfati regni Angliæ reges, eidem Universitati
 & in eâ studentibus concessorum privilegiorum
 tenores præsentibus pro expressis habentes, mo-
 tu proprio, non ad ipsorum Cancellarii, Magi-
 strorum, Doctorum, & Scholarium, aut ali-
 quorum aliorum instantiam, sed de nostrâ merâ
 liberalitate privilegia, concessiones, exemption-
 nes & alia indulta, tam per prædecessores,
 quam modernum & alios dicti regni Reges, eis-
 dem Cancellario, Magistris, Doctoribus atque
 Scholaribus, in genere vel specie data & con-
 cessâ, & prout illa concernant, omnia & singu-
 la, tam in Regum quam prædecessoris prædi-
 ctorum literis contenta, autoritate Apostolicâ
 tenore præsentium confirmamus & approbamus,
 ac robur perpetuæ firmitatis obtinere debere de-
 cernentes, præsentis scripti patrocinio, com-
 munimus, supplentes omnes & singulos defectus,
 tam juris quam facti, si qui forsan intervenissent
 in eisdem. Et nihilominus quia sicut etiam ac-
 cipimus, nonnunquam contingit Magistros, Do-
 ctiores & Scholares dictæ Universitatis, statuto-
 rum & ordinationum ejusdem, propter illorum
 multitudinem, ac per eos de illis observandis
 præstitorum juramentorum immemores, de per-
 juri reatu notari, ac in pœnas in dictis statutis
 contentas incidere, & diutiùs in illis remanere ;
 propter quæ inter Magistros, Doctores & Scho-
 lares præfatos dissensiones, jurgia & scandala
 ut plurimum oriuntur ; Nos hujusmodi scanda-

lis obviare, ac ipsorum Magistrorum, Doctorum & Scholarium commoditati & quieti consulere volentes, motu simili & ex certâ nostrâ scientiâ, moderno & pro tempore existenti dictæ Universitatis Cancellario, Magistros, Doctores & Scholares universos, qui in præfatâ Universitate pro tempore degerint, quique ob transgressionem vel omissionem statutorum & ordinationum hujusmodi in perjurii vel aliam quamvis poenam inciderint, si id humiliter petierint, ab hujusmodi perjurii reatu, & aliis poenis propter præmissa per eosdem Magistros, Doctores & Scholares forsân incurfis, simpliciter vel ad cautelam, quantum expediens erit, per se vel per alium seu alios absolvendi, injunctis pro modo culpæ & transgressionis statutorum hujusmodi qualitate pensatâ, arbitrariâ & salutari poenitentia, & aliis quæ de jure & consuetudine laudabili fuerint, prout noverit, injungenda, ac cum eisdem Magistris, Doctoribus & Scholaribus sic ut præmittitur transgressoribus, ut ad gradus meritos promoveri, & promoti gradibus hujusmodi uti ac officia exercere, nec non beneficia quæcunque sicut prius retinere liberè & licitè valeant, dispensandi, omnemque inhabilitatis & infamiae seu perjurii maculam sive notam, per se vel alium seu alios abolendi, ac illos in pristinum statum in quo antequam deliquissent seu dejerâssent, erant, cujus alterius super hoc licentiâ minimè requisitâ, reponendi & restituendi, autoritate & tenore præmissis, licentiam concedimus & etiam facultatem.

Cæterum quia difficile esset, propter itinerum distantiam & viarum pericula, pro singulis occurrentibus negotiis has nostras literas ad singula quæque huc transferri, etiam volumus, ac eisdem Cancellario, Magistris, Doctoribus & Scholaribus concedimus & discernimus, quòd
harum

harum literarum nostrarum verè transcripto manu Notarii publici signato & subscripto, nec non alicujus Prælati aut Curie sigillo authentico figillato, stetur, & tanta fides adhibeatur in judicio & extra, ac ubique, quanta eisdem originalibus literis, si darentur & exhiberentur; non obstantibus S. memorie *Innocentii* Papæ IV. etiam prædecessoris nostri, & quibuscvis aliis Apostolicis, nec non bonæ memorie *Ottonis* & *Ottoboni* olim in præfato regno Apostolicæ sedis Legator. nec non in provincialibus & synodalibus Conciliis editis generalibus & specialibus constitutionibus, ac præfate Universitatis etiam juramento, confirmatione Apostolicâ vel quâvis firmitate aliâ roboratis statutis & consuetudinibus: nec non omnibus illis quæ idem *Bonifacius* prædecessor suis literis voluit non obstare, cæterisque contrariis quibuscunque. Et insuper ex nunc irritum decrevimus & inane, si secus super his à quoquam quâvis autoritate scienter vel ignoranter contigerit attemptari. Nulli ergo omnino hominum liceat hanc paginam nostre confirmationis, approbationis, constitutionis, communitiois, suppletionis, concessionis, decreti & voluntatis infringere, vel ei ausu temerario contraire. Si quis autem hæc attemptare præsumpserit, indignationem omnipotentis Dei ac beatorum *Petri* & *Pauli* Apostolorum ejus se noverit incursum. Dat. *Romæ* apud S. Petrum anno Incarnationis Dominicæ 1479. Id. Septemb. Pontificatus nostri anno nono.

Bulla Urbani quinti Pont. Max. Romani ad Universitatem Oxon. transmissa.

Urbani Episcopus, servus servorum Dei dilectis filiis universis Doctoribus, Magistris & Scholaribus studii *Oxon. Lincoln. Dioces.* salutem & apostolicam benedictionem. Indefinentis curæ, velut totius Dominici gregis Pastor, sollicitudine premimur, & assiduæ meditationis excitamur instantiâ, ut studia literarum & ibidem studentes prosperè & salubriter dirigantur, & à gravaminibus releventur, & ad id quantum cum Deo possumus partes vestræ sollicitudinis adhibemus. Sanè nuper ad nostrum pervenit auditum, quòd secundum statuta & consuetudines Universitatis studii *Oxon. Lincoln. Dioces.* Cancellarius Universitatis ejusdem studii, qui ipsius Universitatis Caput & Rector fore dignoscitur, per Doctores & Magistros in eâdem Universitate regentes quolibet biennio eligi & assumi debeat; quòdque Episcopus *Lincoln.* pro tempore existens, hujusmodi Electionis confirmationem ex quâdam consuetudine sibi nititur vindicare, quòdque Doctores & Magistri qui ad ipsum Episcopum pro Electionis confirmatione hujusmodi obtinendâ transmittuntur, quique magnis fatigantur laboribus & expensis, & ad remotas partes quandoque insequuntur eundem; propter quod vobis damna & detrimenta gravia inferuntur, & propter jurisdictionis suspensionem pravi impunè peccant, & tota vestra

vestra Universitas fluctuat, Rectore & Capite destituta. Quare pro parte vestra nobis humiliter fuit supplicatum, ut providere super præmissis de benignitate Apostolica dignaremur. Nos itaque hujusmodi supplicationibus inclinati, quòd eo ipso quòd aliquis in Cancellarium dictæ Universitatis per dictos Doctores & Magistros Regentes legitimè erit electus, censeatur confirmatus, & aliâ confirmatione non egere, vobis tenore præsentium de gratiâ concedimus speciali. Nulli igitur hominum liceat hanc paginam nostræ Concessionis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei & Beatorum *Petri & Pauli* Apostolorum ejus se noverit incursum. Dat. *Rome* apud *S. Petrum* 6 Id. Nov. &c.

Bulla Eugenii Papæ quarti ad Cantabrigiam transmissa.

A. D. 1437.

Eugenius servus servorum Dei, ad futuram rei memoriam : Dum attentæ considerationis indagine perscrutamur, quòd per literarum studia, favente charismatum cunctorum largitore Domino, viri succrescunt scientiis eruditi, divini nominis fideique catholice cultus protenditur, omnisque prosperitas conditionis adaugetur humana, libenter non solum loca quibus hujusmodi studia videntur, illorumque supposita, gratiis & libertatibus fulcire satagimus, sed etiam illa quæ pro studiorum subsistentiâ, nec non eorum & suppositorum hujusmodi favoribus proinde facta comperimus, ut illibata persistant, cum à nobis petitur, Apostolicæ confirmationis munimine roboramus. Dudum siquidem ex parte dilectorum filiorum Magistrorum, Doctorum & Scholarium Universitatis studii Cantabrigiæ, Eliensis Diocesis, piæ memoriæ *Martini* Papæ quinto prædecessori nostro exposito, quòd olim felicitis recordationis *Honorius* Papa primus & prædecessor noster, pro incremento & in favorem Doctorum & Scholarium, qui tunc erant & pro tempore forent, Universitatis hujusmodi, per quasdam literas sub dat. Romæ apud Sanctum Petrum, anno ab Incarnatione Domini sexcentesimo vigesimo quarto, die septimo mensis Februarii, inter cætera districtius inhibuerat sub poenâ Excommunicationis, quam veniens in contrarium ipso facto incurreret, ne quis Archiepiscopus, Episcopus, Archidiaconus, aut eorum Officiarii in aliquem Doctorum & Scholarium earundem, suspensionis, excommunicationis

niationis seu interdicti sententias ferre, aut ipsos vel familiares ipsorum molestare præsumant, sed Rector ipsorum Doctorum & Scholarium, de consilio seniorum & saniorum ejusdem Universitatis, secundum eorum statuta, charitate semper mediâ, corrigere & emendare studeret, prout studentium salutis magis videretur expedire : Ac piæ memoriæ *Sergius* etiam primus similiter prædecessor noster, etiam pro incremento & in favorem hujusmodi, per alias suas literas sub dat. in Ecclesiâ *Lateranensi*, anno ab incarnatione verbi sexcentesimo octuagesimo *A. D. 689*, nono, die tertio mensis Maii, inter aliâ decreverat, quod nulli Archiepiscopo liceret Universitatem prædictam, aut aliquem Doctorum aut Scholarium eorundem suspendere vel excommunicare, seu quomodolibet sub interdicto ponere, absque summi Pontificis assensu vel ejus speciali mandato ; quodque super inhibitione ac decreto, nec non *Honorii* & *Sergii* prædecessorum superinde confectis literis hujusmodi, quædam ipsius Universitatis antiqua statuta communi consensu, & deliberatione maturâ Magistrorum & Doctorum prædictorum, ad bonum regimen & stabilitatem ejusdem Universitatis ordinata fundabantur ; ipsorumque inhibitionis & decreti & literarum vigore, Cancellarius dictæ Universitatis pro tempore existens (qui Subcancellarii denominatione inibi vicem Rectoris obtinuerat & tunc obtinebat) omnimodam super corrigendis puniendisque excessibus suppositorum seu personarum ejusdem Universitatis, ac cognoscendis ac decidendis causis & negotiis supposita & personas hujusmodi contingentibus, jurisdictionem ecclesiasticam & spirituales exercere consueverat. Quodque de originalibus dictorum *Honorii* & *Sergii* prædecessorum literis hujusmodi, ex eo quod præter diuturnitatem

temporis, cùm tunc septingenti anni & ultra ab illarum concessione defluxerant, aut ex earum custodum negligentia, aut alias casualiter deperditæ vel amissæ fuerant, licet plurimæ ipsarum copiarum de antiquissimâ scripturâ in Archivis ejusdem Universitatis reconditæ extare noscerentur, doceri nequiret: ipse *Martinus* prædecessor noster per suas literas dilectis filiis Priori Monasterii de *Barnewelle* per Priorem, soliti gubernari, dictæ Dioceseos, ejus proprio nomine non expresso, & *Johanni Deping* Canonico *Lincolniensi* in eâdem Diocesi residenti, cum clausulâ, quod si non ambo his exequendis possent interesse, alter ipsorum ea nihilominus exequeretur, dedit in mandatis, ut iis singulorum literarum *Honorii* & *Sergii* prædecessorum singulis copiis hujusmodi in formâ publicâ exhibitis, si & postquam ipsis legitimè constaret, Magistros, Doctores & Scholares qui pro tempore fuerant, ac Universitatem prædictam in pacificâ possessione, vel quasi usus & exercitii ecclesiasticæ spiritualisque jurisdictionis & observationis, Inhibitionis & Decreti hujusmodi, à tanto tempore fuisse & esse, quod memoria in contrarium non existeret, eisdem Magistris, Doctoribus & Scholaribus observantiam Inhibitionis & Decreti, nec non usum & exercitium jurisdictionis ecclesiasticæ ac spiritualis hujusmodi, autoritate suâ approbarent & etiam confirmarent, prout in prædictis ipsius *Martini* prædecessoris literis plenius continetur. Postmodum verò, sicut exhibita nobis nuper pro parte Magistrorum, Doctorum & Scholarium prædictorum petitio continebat, ipse prior (eodem *Johanne* dictarum literarum præfati *Martini* prædecessoris executioni interesse nequeunte, seque super hoc legitimè excusante) quia per ipsarum copiarum exhibitionem, nec non alia acta acti-

tata

tata & deducta coram eo, sibi dictos Magistros, Doctores, Scholares & Universitatem à supradicto tempore in possessionem hujusmodi absque perturbatione, molestatione, vel inquietatione Archiepiscoporum, Episcoporum, Archidiaconorum, aut aliorum Officialium quorumlibet fuisse & esse, legitimè constitit, ipsosque Archiepiscopos, Episcopos, Archidiaconos & Officiales à præfatâ jurisdictione se totaliter abstinuisse reperit, observantiam inhibitionis & decreti, nec non usum & exercitium jurisdictionis hujusmodi Magistris, Doctoribus & Scholaribus præfatis, vigore dictarum literarum ejusmodi *Martini* prædecessoris, sententialiter approbavit, laudavit, ratificavit pariter & confirmavit, prout & in literis authenticis desuper confectis latius cognoscitur contineri. Quare pro parte dictorum Magistrorum, Doctorum & Scholarium nobis fuit humiliter supplicatum, ut approbationi, laudationi, ratificationi & confirmationi prædictis, pro illarum subsistentiâ firmiori, robur Apostolicæ confirmationis adjicere de benignitate Apostolicâ dignaremur. Nos itaque hujusmodi supplicationibus inclinati, approbationem, laudationem, ratificationem & confirmationem prædictas, ac quæcunque inde secuta, rata habentes & grata, illâ Apostolicâ auctoritate confirmamus, & præsentis scripti patrocínio communimus, supplentes omnes defectus, siqui forsitan intervenerint in eisdem. Nulli ergo omnino, &c. Dat. Romæ apud S. Laurent. anno 1433, &c.

*Charta Henrici quarti tam Oxon. quam
Cantabrigiæ concessa.*

Pat. 5. H. 4.
pars 1. m. 29.
pro Universi-
tatibus Oxon.
& Cantabrig.

REX omnibus ad quos, &c. salutem. Sciatis, quod Nos, ad honorem omnipotentis Dei (in cuius elementi bonitate, & non alio, spem semper posuimus & habemus) nec non caritatis intuitu, ac in clari & virtutis augmentum, ut in vineis Dominitales cultores ponantur in posterum, quorum industriâ, scientiâ, doctrinâ & conversatione fructus salutis animarum abundantius valeant accrescere, & tempore messis ad horreum Domini ultra granum centesimum augmentari: ex regiâ benignitate & gratiâ nostrâ speciali, nec non ad supplicationem carissimæ consortis nostræ Johanne Reginæ Angliæ, concessimus, & licentiam dedimus pro nobis & Hereditibus nostris, quantum in nobis est, dilectis nostris Cancellariis, Doctoribus & Magistris, nec non Baccalaureis & aliis quibuscunque graduatis & graduandis personis in Universitatibus nostris *Oxon. & Cantabrig.* quod ipsi futuris temporibus in perpetuum, viz. Doctores & Magistri ac Licentiati in sacrâ Theologiâ, jure Canonico & Civili, singuli eorum, in Metropolitanis & Cathedralibus, Collegiatis & Conventualibus Ecclesiis Regni nostri *Angliæ* ac partium *Waliæ*, ac terræ nostræ *Hiberniæ*, ad dignitates electivas etiam majores post pontificales, ac administrationes, personatus & officia, nec non Canonicatus & Præbendas; ac ipsi & alii Baccalaurei & graduati prædicti, singuli eorum, qui dignitates in Ecclesiis Metropolitanis & Cathedralibus, vigore hujusmodi nostræ licentiæ prius non sunt realiter consecuti, ad

quæ-

quæcunque beneficia & officia Ecclesiastica Curata & Non-Curata consuecta Clericis secularibus assignari, ad collationem, præsentationem, nominationem seu quamvis aliam dispositionem Archiepiscoporum, Episcoporum, Decanorum, Priorum & Capitulorum, nec non Abbatum, Priorum & aliorum quorumcunque Patronorum Ecclesiasticorum, à Domino summo Pontifice gratias expectativas seu provisorias in præmissis eis & eorum cuilibet necessarias impetrare, ac vigore hujusmodi gratiarum, dignitates, personatus & officia, nec non Canonicatus & Præbendas, ac alia beneficia & officia Curata & Non-curata sub gratiis hujusmodi cadentes & cadentia, ac jam occupatas seu occupata; seu de cætero vacaturas & vacatura, de facto eùm vacaverint per se & suos Procuratores acceptare, ac collationes & investituras de jure vel consuetudine requisitas eis seu eorum Procuratoribus nomine suo per Executores, subexecutores & Notarios quoscunque in eâ parte deputandos seu requirendos fieri & subire, nec non realem & expeditam possessionem dignitatum & personatum, & officiorum ac Canonicatum, Præbendarum & beneficiorum hujusmodi capere, adipisci & nancisci liberè valeant: ac possessionem sic captam & adeptam secundum exigentiam juris Canonici publicè continuare & defendere, ac eam tenere & habere, secundum vim, formam & effectum gratiarum prædictarum ac processuram in hac parte fiendorum, quos facere & effectualiter exequi & contra attemptantes in contrarium, & impediētes eorum executionem debitam in quâcunque Curia Christianitatis eis placuerit liberè prosequi, & ibidem agere quicquid concernit gratias & causas, & materias exinde subortas, vel quæ exoriri contigerit, absque occasione vel impedimento nostri, ac hæredum nostrorum.

noſtrorum ſeu miniſtrorum noſtrorum quorum-
 cunque, *Statuto de Proviſoribus anno Regni Do-*
mini Ric. nuper regis Anglia 2di poſt conqueſ-
um prædeceſſoris noſtri decimo-tertio, edito, ſeu
 aliquo alio ſtatuto, & ordinationibus quibuſcun-
 que in contrarium editis non obſtantibus. No-
 lentes quòd prædicti Doctores, Magiſtri ac Bac-
 calaurei, Procuratores, Executores, Subexecu-
 tores, aut Notarii & alii de conſilio eorundem
 propter executionem & expeditionem gratia-
 rum huiusmodi ac proceſſuum eorundem, ut
 præfertur, per nos vel Hæredes noſtros, Juſtic.
 Eſchaetores, Vice-Comites aut alios Ballivos ſeu
 Miniſtros noſtros vel Hæredum noſtrorum quoſ-
 cunque inquietentur, moleſtentur in aliquo,
 ſeu graventur. *Proviſo ſemper quòd quam ci-*
tius Cancellar. Doctores & Magiſtri, nec non
 Baccalaurei ſeu quicumque alii ſupradicti vigo-
 re præſentium aliquorum beneficiorum Eccleſi-
 aſticorum incompatibilium canonicam & pacifi-
 cam poſſeſſionem adepti fuerint, aut quivis eo-
 rundem alicujus beneficii eccleſiaſtici incompati-
 bilis canonicam & pacificam poſſeſſionem a-
 deptus fuerit, beneficia incompatibilia ſeu bene-
 ficium incompatibile, per ipſos ſeu eorum ali-
 quem prius occupata & acceptata, ſive occupa-
 tum & acceptatum omnino demittant, & quili-
 bet eorum penitus demittat: ita quòd Cancel-
 larii, Doctores & Magiſtri, nec non Baccalaurei
 ſeu quicumque alii prædicti, ſeu eorum aliquis *
 duo beneficia Eccleſiaſtica incompatibilia poſt
 huiusmodi poſſeſſionem vigorem præſentium ſic a-
 deptam, ſimul & ſemel ultra unum menſem
 nullatenus obtineant ſeu obtineat, nec eorum a-
 liquis aliquam provisionem aliquorum benefici-
 orum Eccleſiaſticorum, niſi in unâ Eccleſiâ
 Cathedrali, aut de unâ collatione duntaxat, pro-
 ut inferuntur in rotulis Univerſitatum prædicta-
 rum,

* *Nota.*

rum, & per eosdem Rotulos & non particulariter, neque alio modo in Curia Romanâ per se vel per alios prosequatur, aut hujusmodi provisionis gratiam acceptet, seu executioni demandare præsumat, nec aliquos seu aliquem super jure, titulo seu possessione aliquorum beneficiorum seu alicujus beneficii per ipsos occupatorum sive occupati, nec alicui collatorum seu collati, nec aliquibus beneficiis seu aliquo beneficio Religiosis sive aliis vel alii appropriatorum, unitorum sive annexorum, appropriati, uniti vel annexi qualitercunque in præsentibus, colore hujus licentiæ nostræ, aut provisionum vigore ejusdem licentiæ sic faciendarum aut prætextu, revocationis, annulationis, irritationis seu cassationis hujusmodi appropriationum, Unionum sive annexionum in dictâ Curia Romanâ nuper ut dicitur fact. vexet, impediât sive inquietet, nec aliquam provisionem seu alicujus hujusmodi provisionis executionem de aliquibus beneficiis sive beneficio hujusmodi ad præsens sic appropriatis, unitis vel annexis, appropriato, unito vel annexo per se aut alios faciat seu facere præsumat, aut hujusmodi beneficia sive beneficium acceptet quovismodo in præsentibus, colore præsentium aut provisionum vigore earundem sic faciendarum vexet, impediât sive inquietet quovismodo. *In cujus, &c. Teste Rege apud Westmonasterium 25^o die Novembris.*

Per ipsum Regem.

Charta.

APPENDIX.

Charta Magnæ Aulae sive Collegii Universitatis.

OMnibus Christi fidelibus ad quos præsens scriptum pervenerit, Magister *Ludovicus de Chaprynay*, Doctor S. Theologiæ Cancellarius Universitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem per Universitatem Deputati, salutem in Domino sempiternam. Cum ad laudem Dei & augmentum Cleri, Magister *Galielmus Byrkley*, *Ademarus de Chewingham*, *Radolphus Senowme*, Executores bonæ memoriæ Magistri *Willielmi de Danelme* Archidiaconi de *Danelme*, nobis & Universitati deliberaverint quadringentas Marcas bonæ Monetæ *Angliæ* ad acquirendum & emendum certos redditus, terras & tenementa, disponenda pro exhibitione sex Magistrorum in Facultate Artium magis propinquorum partibus *Danelm.* in perpetuum, prout in Testamento dicti Magistri *Willielmi* plenius continetur: Sciatur igitur, Nos Magistrum *Ludovicum de Chaprynay*, Doctorem S. Theologiæ & Cancellarium Universitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem habentes auctoritatem totius Universitatis nobis deputatam, ad honorem Dei, stabilimentumque nostræ Universitatis, dedisse, concessisse, & in hac præsentī Chartā nostrā confirmasse Magistro *Rogero Caldwell* Custodi ac Socio seniori magnæ Aulae Universitatis *Oxon.* & Scholaribus ejusdem octo Messuagia cum Gardinis ejusdem &c. (*& in fine ejusdem*) & nos Magister *Ludovicus de Chaprynay* Cancellarius de *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem, habentes auctoritatem

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in totâ Universitate nobis deputatam & concessam, ad dand. tenementa, terrasque prædictæ Custodi seu seniori Socio Aulæ prædictæ & Sociis ejusdem & eorum Successoribus contra omnes gentes warrantizabimus, acquietabimus & defendemus in perpetuum. Pro quâ quidem Warrantizatione, acquietantiâ & defensione dedimus, solvimus & deliberavimus trecentas Marcas bonæ Monetæ Angliæ præmanibus, prædictis octo Messuagiis, libero reditu, & quatuor Cottagiis, de pecuniis antedictis. In cuius rei Testimonium sigillum nostræ Universitatis apposuimus. Datum Oxon. 10 die Mensis Juliæ, Anno Regni Regis Henrici tertii post Conquestum Angliæ quarto.

A. D. 1219.

Compositio inter Cancellarium & Archidiaconum Oxon.

— QUOD dictus Cancellarius (viz. Universitatis) qui nunc est, & qui pro tempore fuerit, solus & in solidum habeat omnem & omnimodam Jurisdictionem, sine contradictione, molestatione vel impedimento quocunque dicti Domini Archidiaconi in omnes & singulos Doctores & Magistros dictæ Universitatis Regentes & non Regentes, ac etiam in Scholares omnes & singulos Religiosos vel Sæculares dictæ Universitatis, etsi in dictâ villâ fuerint oriundi, vel Rectores aut Vicarii seu Capellani stipendiarii inibi celebrantes, dum tamen non fuerint Parochiales; curæ Ecclesiarum Parochialium servientes, dum tamen Rectores & Vicarii ac Capellani Parochiales stipendiarii, & si Scholares etiam fuerint, subesse debent dicto Domino Archidiacono quoad Canonicam Obedientiam, Inductionem in corporalem possessionem beneficiorum

Aciorum ab eo recipiendam, visitationemque suam & correctionem quoad Libros & Ornamenta & alia ad jus Ecclesie pertinentia habendam, mandataque licita, in omnibus quae ad Jurisdictionem suam Archidiaconalem pertinent exequenda. Quodque Cancellarius habeat omnem & omnimodam Jurisdictionem in Magistrorum & Scholarium dictae Universitatis Servientes, familiares continuos, Commensales & secum in suis Domibus commorantes, ac sex Bedellos & Quaternarios ad hujusmodi officium per dictam Universitatem admissos & pro tempore admitteudos, ac Universitati juratos vel jurandos, nec non in omnes & singulos scriptores Scholaribus in scriptorum officio servientes habeat Cancellarius plenam jurisdictionem Archidiaconalem; exceptis quod ipsis scriptoribus sive testato sive ab intestato, habeat Archidiaconus antedictus testamentorum eorundem insinuationem & approbationem, bonorum Commissionem, computi audicionem, administratorum liberationem seu quietationem & omnia quae negotium hoc concernunt.

De ceteris personis omnibus quae & alias de jure, consuetudine seu privilegio ad jurisdictionem Cancellarii & dictae Universitatis pertinent, habeat D. Archidiaconus correctionem & punitionem debitam super criminibus & excessibus ad jurisdictionem Archidiaconalem pertinentibus, insinuationemque & approbationem testamentorum suorum; ac omnia alia & singula quae negotium hoc concernunt. Proviso quod Apparitor D. Archidiaconi qui pro tempore fuerit ut Apparitor, ratione officii sui non teneatur jurare nec arctari dictis Cancellario vel Universitati ad obediendum eisdem de his quae antedicti Archidiaconi ad jurisdictionem concernunt. Praefatam tamen compositionem non intendebant

intendebant partes prædictæ jurisdictioni cuicumque ultra præfatam Archidiaconalem alicui partium prædictarum aliundè de jure, consuetudine vel privilegio, &c.

Commissio Edwardi Sexti ad visitandum Universitatem Oxon. quibusdam Delegatis data & concessa. Mandatum illis est :

I. **O**Mnia & singula Collegia, Aulas, Hospitia, & loca alia quæcunque exercitio scholastico deputata, tam exempta quàm non exempta, ibidem constituta, eorumque Præpositos, Magistros, Gardianos, Rectores sive Custodes, ac Socios, Scholares, Studentes, Ministros & personas alias quascunque in eisdem commorantes ; deque statu locorum ejusdem Universitatis, nec non studio, vitâ, moribus, & conversatione, ac etiam qualitate personarum in eisdem degentium seu ministrantium, modis omnibus, quibus id melius & efficacius poterunt, inquirere & investigare, criminosos ac delinquentes, socordes ac ignavos, atque culpabiles, condignis pœnis usque ad dignitatum, societatum & officiorum suorum privationem, aut stipendiorum, proventuum & emolumentorum suorum quorumcunque sequestrationem, vel quamcunque aliam congruam & competentem coercionem, punire & coercere, atque ad probatiores vivendi mores, modis omnibus quibus id melius & efficacius poterunt, reducere.

II. Contumaces & rebelles, cujusunque status & conditionis fuerint, si quos invenerint, tam per censuras quàm etiam incarcerationem &

recognitionem, acceptationem, & quaecunque alia juris regni remedia, compescere.

III. Pecunias impendendas quotannis in Exequias & Convivia, in Lectiones publicas vel privatas, ad alios usus magis convenientes, & in alias formas convertere.

IV. Pecunias autem in aliquo Collegio impendendas ex fundatione ejusdem Collegii in Choristas, Cantores, & alias impensas, ratione quotidiani servitii (ut vocatur) Ecclesiastici, aut in pueros grammaticales ad alimentum sociorum vel scholasticorum ad philosophiam vel alias artes discendas in eodem vel alio Collegio constituendas, convertere. Magistros, Praepositos, Praesidentes, Socios, vel Scholares quoscunque illis officiis indignos, non proficientes, statutis Collegii, vel commodo Reipublicae, & bonarum literarum id exigentibus, expellere & amovere, & alium & alios in amotorum loco praeficere & substituere.

V. Cessiones quorumcunque, Praeposaturas, Magisteria, Praesidentias, Gardianatus, Societates seu officia in locis praedictis habenda, coram Visitatoribus facta seu exhibita, auctoritate regia admittere, eaque vacare, & pro vacantibus discernere, & in loca sic per cessionem aut alio quovis modo vacantia, personas habiles & idoneas substituere.

VI. Collegia duo vel plura, sive regiae sive cujuscunque alterius foundationis fuerint (si visitatoribus ex utilitate Academiae videbitur) in unum conjungere.

VII. Cantarias, nominaque Cantariarum in quocunque fundatarum, earumque fundationes mutare, aliasque appellationes illis imponere, & fructus, redditus ac proventus dictarum Cantariarum ad scholarium exhibitionem assignare, ac dictae Universitatis & Collegiorum & Aularum

incor:

incorporationes, fundationes, statuta, ordinationes, privilegia, compositiones, computos ac alia munimenta quæcunque exigere & recipere, eaque diligenter examinare & discutere, formas divinatorum officiorum, disputationum & publicarum lectionum, collationes quoque graduum & honorum qui eruditionum ergo proponuntur studiosis, mutare, & in commodiorem rationem instituire.

VIII. Injunctiones & statuta, quæ visitatoribus pro commodiore ordine videbuntur idonea, personis in eisdem degentibus nomine regio tradere, & vice & autoritate suâ eis inducere & assignare, pœnasque convenientes in eorum violatores infligere & irrogare, statutaque, ordinationes, consuetudines, compositiones (si quas compererint eisdem contrarias sive impugnantes) tollere & penitus annihilare.

IX. Juramentum obedientiæ & fideiatis Regi & hæredibus suis debitum, deque renuendâ, renunciandâ, penitusque abnegandâ Episcopi Romani prætensâ, usurpatâ & fictâ autoritate, & quæcunque alia juramenta ex statutis hujus regni præstari requisita, ab omnibus infra loca prædicta institutis exigere & recipere.

X. Congregationes & Convocationes Præpositorum, Gardianorum, Studentium & Ministrantium pro executione præmissorum & reformatione quæcunque facere, concire & revocare, causas etiam instantiarum examinare, & sine debito terminare : ac omnia & singula alia, quæ circa hujusmodi visitationis, inquisitionis seu reformationis totius Academiæ negotia sive hic expressa fuerunt sive non expressa, quæ necessaria seu quomodolibet opportuna, facere & exequi.

Et quoniam studium *Juris Civilis* non solum jam aliquot annos deferbuisse in Academiâ nostrâ *Oxon.* verum etiam propemodum extinctum esse

esse nobis indicatum est, præcipuam vobis omnibus curam & sollicitudinem imponimus, ut quibus poteritis viis & modis illud excitetis & amplificetis, cui studio ut possitis amplius mederi, & fructu laboris ac diligentia juvenutem ad illud accendere, plenissimam ac summam auctoritatem, per absolutam & regiam nostram potestatem vobis concessimus, universum numerum in lege Civili studentem in Collegio B. *Maria*, vocatæ *The New College of Oxford*, in Collegium *Omnium Animarum*, & universum numerum in artibus studentium in Collegio *Omnium Animarum*, in Collegium prædictum B. *Maria*, commutandum, transferendum & constituendum, prout vobis commodissimum videbitur. Sic ut in Collegio *Omnium Animarum* tantum sint, qui legis Civili studio vacabunt, & in Collegio B. *Maria* prædicto illi tantum sint, qui artium & verbi Dei studio posthac semper incumbent.

Dedimus quoque vobis auctoritatem Collegium Medicinæ in aliquo idoneo loco dictæ Universitatis constituendum, deputando aliquod unum Collegium illi studio, quodcunque vobis videbitur, & eos socios in illo Collegio Medicinæ deputando, qui ad Medicinam studium suum velint convertere, si ad hoc per vos idonei judicabuntur, socios Collegii nostri Medicinæ faciendum : eos verò qui nolunt sequi illam artem, vel ad eandem minus idonei judicabuntur, in alia Collegia transferendum, vel pensiones Magistro sive fociis illius Collegii assignandum, &c.

REGINA, &c. Dilectis nobis Reverendis *Pat. 14. Eliz. de Commissione pro Academia Oxon.*
in Christo Patribus, *Johanni London. & Johanni Roffen* respectivè Episcopis, nec non honorandis Dominis *Christophoro Wray* Mitiè, Baroni capitali: Scaccarii nostri, egregiis viris Domino *Willielmo Cordell* Militi, Rotulorum Magistro, & *Thoma Wilson* Legum Doctori à Libell. supplic. Magistro *Johanni Gibbons* Legum Doctori, Curie Cancellarie nostræ Magistro, & *Johanni Griffith* Legum Doctori, Salutem. Ex parte prænobilis viri & dilecti Consanguinei & Consiliar. nostri Domini *Roberti Comitis Leicestræ*, Universitatis & Academie *Oxon.* summi Cancellarii, & Doctorum, Magistrorum, Scholariumque ejusdem Academie, nobis querelat. & supplicat. est, quòd cum Academia nostra *Oxonii* prædicta multis abhinc annis retroactis amplissimis privilegiis, exemptionibus, concessionibus, indultis & immunitatibus Regiâ auctoritate & statutis Parliament. nostri regni *Angliæ* confirmatis & corroboratis, ornata & dotata fuerit: Ita quòd inquisitio, cognitio, auditio, decisio finalis & terminatio omnium & singulorum contractuum, placitorum personal. querel. causarum, controversiarum, quæcunque nomine censeantur, sive censeari poterunt (*Mahemio & Felon. & Affizis & Placitis de libero tenemento duntaxat exceptis*) qualitercunque emergentibus infra præcinct. Universitatis prædictæ, ubi una pars est Magister, Scholaris, aut Serviens Scholaris, aut alias privilegiata persona, ad Cancellarium præfatæ Universitatis pro tempore existentem, pertineat, ac pertinere debet: Quò lque Doctores, Magistri & Scholares omnes & singuli dictæ Academie, ab omni jurisdictione, dominio vel potestate quorumcunque

Archiepiscoporum, etiam Legatorum natorum, nec non Episcoporum ac aliorum ordinariorum iudicum quorumcunque, quoad omnes contractus vel quasi initos infra prædictam Universitatem, & quoad omnia crimina vel quasi & punitionem eorundem (exceptis præexceptis) & quoad omnes A&us scholasticos quamdiu degerint in eadem Universitate, sint exempti & totaliter liberati, & prædicto Cancellario subiecti. Et quod Cancellarius prædictæ Universitatis omnem & omnimodam iurisdictionem, etiam Ecclesiasticam & spiritualem, in prædictos Scholares & alias personas, exercere libere & licite possit & valeat. Et quod nulli homini liceat huiusmodi paginæ & privileg. exemptionis, liberationis & subiectionis ullatenus infringere vel contravenire. Cùmque Cancellarius pro tempore existens, & Scholares dictæ Universitatis, per tempus cuius initii vel contrarii hominis memoria non existit, fuerint & sint (salvis infradicend.) & sic esse debent in pacificâ & quietâ possessione, quasi huiusmodi privilegiorum, exemptionis, immunitatis, liberationis & subiectionis, ut præfertur; cùm etiam omnes & singuli Graduatî, qui sunt de gremio Universitatis prædictæ, tempore eorum & cujuscumque eorum admissionis ad gradum quemcunque, tactis sacrosanctis Evangelîis, solenne & corporale præstant* juramentum & dant fidem ad observand. statuta, privilegia, consuetudines & libertates prædictæ Universitatis, & quod adversant. cuicumque statuto; consuetudinibus, aut aliis prædictæ Universitatis iuribus, libertatibus & privilegiis non fovebunt consilio, auxilio, nec favore; sed quantum in illis est, eadem inconcussè observabunt pariter & fovebunt. *Quidam tamen Willielmus Willson in Theologia Baccalaureus & Scholaris in dictâ Universitate degens, & de gremio ejusdem existens, qui prædictum*

* Nota.

dictum juramentum vel in effectu consimile sub-
 ivit, & præmissorum omnium & singulorum sa-
 tis sciens, asserens, & minus verè prætendens
 se fuisse & esse legitimè electum ad officium
 Rectoris sive Præpositur. *Collegii Lincoln.* in dictâ
 Academia, ac etiam sub sigillo communis Colle-
 gii prædicti, juxta tenorem statutorum ejusdem
 Coll. præsentatus Reverendo in Christo P. **Domino Thoma Lincoln.** Episcopo (quum tamen
 sic minus legitimè electus aut præsentatus fue-
 rit) ac dictum Reverendum Patrem eundem *Wil-*
lielmum Wilson in officium Rectoris admittere
 penitus recusasse, seu saltem æquo diutius distur-
 lisse: contra privilegium exemptionis, libera-
 tionis & subjectionis prædictæ Universitatis, &
 in manifestum præjudicium & violationem eo-
 rundem, ac contra juramentum suum prædictum,
 apud electum subditum nostrum *Barthol. Clerk*
 Legum Doctorem, Curie *Canuar.* de *Archiep.* Of-
 ficialem de præmissis ad jurisdictionem Universi-
 tatis prædictæ spectantibus & pertinentibus, de
 facto in judicio contra præfatum Reverendum
 Patrem conquestus & querelatus fuit, atque au-
 thoritate dicti Officialis *Can.* præfatum Reve-
 rendum Patrem *Lincoln.* Episcopum ad admit-
 tendum eundem *Wilhelmum* in Rectorem præ-
 dictæ beate *Mariae*, ac *Sancti Martini* *Lincoln.*
 in Universitate *Oxon.* seu sic admitti faciendum,
 justitiæque eidem in eâ parte administrandum,
 infra quoddam tempus in eâ parte assignatum &
 limitatum, moneri mandavit & curavit; ipsum-
 que Reverendum Patrem ad comparandum eo-
 ram eodem Officiali *Can.* ad dicendum causam,
 quare ius admittendi prænominatum *Wilson*
 in Rectorem Collegii prædicti non debeat pro-
 nunciari ad dictum Officialem & Curiam præ-
 dictam, ob justitiâ per eundem Reverendum
 Patrem in eâ parte denegatam devolvi, citari

fecit & obtinuit : Ac etiam tam dicto Reverendo Patri, quam etiam Venerabilibus viris Magistris *Herbarto Westfaling*, *Laur. Humphrey* & *Tho. Buckley*, sacre Theologie Professoribus, Magistris *Walt. Baylie* & *Olivero Whittington* in Medicinâ Doctoribus, nec non *Willielmo Smyth* Legum Doctori, prædicti Reverendi Patris, Patrini & Visitatoris Commissariis, ritè & legitime infra dictam Universitatem, sub poenâ contemptûs, ne quicquam in præjudicium prædicti *Willielmi Wilson*, aut sue querel. prædictæ, attemptent, aut eorum aliquis attemptaret : nec non posset Reverendissimus Pater Dominus *Edmundus*, permissione divinâ *Canuariensis* Archiepiscopus, ad instantem petitionem & procurationem ejusdem *Willielmi Wilson*, causam hanc sive querelam ad se advocavit, atque cognitionem, discussionem, & finalem determinationem ejusdem *Davidi Lewes*, *Hen. Jones*, *Laur. Haffe*, & *Nic. Steward*, Legum Doctoribus & Curie *Canuarie* Advocatis, conjunctim, seu eorum duobus quibuscunque, de facto commisit & delegavit, iidemque Commissarii sive Delegati vigore Commissionis sive Delegationis hujusmodi in dicto negotio processerint, coram quibus lis pendet adhuc indecisè. Et licet pars dicti Reverendi Patris coram dictis Commissariis nonnulla pro defensione suâ, tam contra prætentam Electionem & personam dicti *Will. Wilson*, & ejus inhabilitatem, quam contra indebitam formam & modum præsentationis dicti *Wilson*, sibi sub sigillo Collegii ad causas factas allegavit, allegataque hujusmodi admitti, ac jus & justiciam sibi & parti suæ ministrari, terminumque probatorium ad probatos hujusmodi allegat. sibi assignari petierit ; dicti tamen Commissar. terminum probatorium hujusmodi assignare expressè, seu saltem tacitè recusare, seu plus justò distulere,

distulere, partique dicti Reverendi Patris ad proband. hujusmodi allegatum, per responsionem partis principalis & exhibitionem instrumentorum tant. assignare. Et licet quidam *The. Underhill*, A. M. Procurator dictæ Universitatis *Oxon.* & nomine Procuratoris ejusdem Universitatis, sub protestationibus de non consensiendo in dictos Commissarios, tanquam in judices competentes, neque quovismodo eorum jurisdictionem comperuerit, ac animo declinandi forum dictor. Commissarior. privilegia, exemptiones, libertates & immunitates dictæ Universitatis omnia & singula prædicta in debita juris formâ proposuerit & allegaverit, & ideo supersedend. fore in prædictâ causâ, ac recognitionem & determinationem ejusdem causæ ad examen dicti Cancellarii *Oxon.* remitti petierit. Dicti tamen Commissar. non solum supersedend. fore decrevere, ac causam remittere expresse, seu saltem tacite renuerunt & recusarunt, seu saltem plus justo distulerunt, seu ad nonnullos alios actus judiciales & privilegiis prædictis præjudiciales processerunt, in præjudicium non modicum & violationem privilegiorum & exemptionis dictæ Universitatis, & Cancellarii & Scholarium ejusdem, & in contemptum & præjudicium autoritatis nostræ regie in dictâ Academiâ, &c. Unde pars dicti prænobilis *Comitis, Cancellarii, Doctorum, Magistrarum & Scholarium* Universitatis prædictæ nobis humiliter supplicari fecit; quatenus tam recognitiones querelæ prædictæ quàm quarumcunque aliarum causarum, privileg. & exemptiones prædict. quallitercunque concernent. seu tangent. aliquibus probis & prudentibus viris examinandas & sine debito terminandas committere dignaremur. Nos verò eorum in hac parte humilibus supplicationibus favorabiliter inclinati, ac jus & justitiam,

tiam, ejusque ministracionem & complementum nemini denegare volentes, quinimò debite ministrari maximo perè affectantes; nolentesque privilegia, immunitates & executiones Universitatis nostræ prædictæ in aliquo violari, aut quavis authoritate, seu quovis quæsito colore minui aut infringi, sed quantum in nobis est eadem tueri & defendere: *Vobis de quorum probitate, prudentia, scientia, & in rebus gerendis dexteritate speciali fiduciam obtinemus, ex scientia & libero motu nostris, & ex plenitudine potestatis nostræ, per hac scripta nostra committimus, & mandamus vos, quid omnes, octo, septem, sex, quatuor, tres aut duos vestrum, vocatis dictis Reverendo Patre Lincoln. Episcopo & Will. Wilson in specie, & aliis quibuscunque de jure vocandis in genere, summarie & de plano, ac sine strepitu & figura iudicii, solâ rei & facti veritate inspectâ ac merâ equitate attentâ, omnibus viis, modis & formis quibus melius & efficacius possitis, de & super veritate præmissorum & privilegiorum & exemptionum dictæ Universitatis, ac in causâ & causis prædictis, unâ cum suis incidentiis, emergent. dependent. annexis & connex. quibuscunque procedatis, & sine debito, omni appellatione, & querelis, nullitat. & supplicatione remotis, terminetis: statutis, canonibus & consuetudin. in contrarium editis, litisve penden. in aliquo non obstantibus; facientes quòd ea quæ in præmissis decreveritis, per legitima. juris remedia firmiter observari. In cujus rei, &c. Teste Regina apud Westm. 23. die April. anno regni decimo nono.*

Breve de Habeas Corpus cum Causa.

Jacobus Dei gratia Anglia, Scotia, Francie & Hibernia Rex, Fidei Defensor, &c. Omnibus ad quos hæc literæ nostræ pervenerint, Salutem. Inspecimus quoddam Recordum coram nobis habitum in hæc verba. Placita coram Domino Rege apud Westmonasterium Termino S. Michaelis anno Regni D. Jacobi nunc Regis Anglia septimo — Rotulo 83°. ff. Dominus Rex mandavit Vice-comitem Oxon. Breve suum clausum in hæc verba. ff. Jacobus Dei gratia Rex Anglia, Scotia & Hibernia, Fidei Defensor, &c. Vicecomiti Oxon. Salutem. Precipimus tibi quod corpus Richardi Paynter in prisonâ nostrâ sub custodia tuâ, ut dicitur, detentum sub salvo & securo conductu una cum die & causâ captionis & detentionis suæ quocunque nomine censeatur in eadem coram nobis apud Westmonasterium die Jovis proxime post crastinum S. Martini ad faciendum & recipiendum ea omnia & singula quæ curia nostra coram nobis de eo ad tunc & ibidem considerabit in hac parte, & habeas ibidem tunc hoc Breve: Teste T. Flemming apud Westmonasterium, nono die Novembris, anno Regni nostri Anglia, Francia, & Hibernia, septimo, & Scotia xliii.

Rooper.

Virtute cujus quidem Brevis Henricus Samborne Armiger, Vice-comes Com. prædicti eidem D. Regi apud Westmonasterium, ad diem prædictum certificavit in hac quæ sequitur formâ.

EGO Henricus Samborne Armiger, Vice-comes Comitatus Oxoniensis, Dominus Regi certifico, quod Universitas Oxon. est antiqua

qua Universitas, & à tempore cujus contrarii memoria hominum non existit, usitato & approbato, fuit corpus politicum & corporatum, consistens ex Cancellario, Magistris & Scholaribus ejusdem Universitatis. Quoque iidem Cancellarius, Magistri & Scholares nunc habent, & à tempore cujus contrarii memoria hominum non existit usitato & approbato, habuerant & habere consueverunt & debuerunt, custodiam & gubernationem tam dictæ Universitatis quam Villæ & Civitatis *Oxon.* nec non conservationem pacis, & eam vigiliarum, earumque præfecturam tempore nocturno tam infra Universitatem *Oxon.* prædictam, quam infra Villam & Civitatem *Oxon.* prædictam, & suburbia ejusdem. Et quod Cancellarius dictæ Universitatis pro tempore existens toto tempore prædicto, per se aut per Commissarium suum legitime deputatum, usus fuit & consuevit Curiam tenere infra Universitatem prædictam ad libitum suum pro punitione & coercione omnium Malefactorum, Pacis Perturbatorum, Noctivagantium & Transgressorum, contra Statuta, libertates, consuetudines, & privilegia ejusdem Universitatis, tam per incarcerationem quam per poenam pecuniariam. Et quod iidem Cancellarius, Magistri & Scholares totq tempore prædicto, usi fuerunt & consueverunt condere & constituere leges, statuta & ordinationes, pro bonâ gubernatione & regimine tam tempore Nocturno quam diurno, tam Scholarium Universitatis prædictæ quam Inhabitantium Villæ & Civitatis *Oxon.* & Suburbiorum ejusdem. Et Domino Regi certifico, quod *Ricardus Paynter* in Brevi prædicto infra-nominatus 13^o die Octobris, anno Domini 1699. coram *Johanne King* S. Theol. Doctore & Commissario Reverendiss. in Christo Patris *Ricardi*, providentiâ divinâ Archiepiscopi *Can-*
tuariensis,

uariensis, & alme Academiæ *Oxon.* Universitatis prædictæ ritè deputato in curiâ ejusdem Cancellarii tentâ in Ecclesiâ Beatæ Mariæ Virginis *Oxon.* infra Universitatem *Oxon.* prædictam eodem 13^o die Octobris prædict. anno Dom. 1609. prædicto, legitimo modo conventus fuit pro eo quod in communibus plateis Civitatis *Oxon.* idem *Ricardus* inventus fuit Noctivagus inter Horas nonam postmeridianam & quartam matutinam sine causâ rationabili contra formam & effectum cujusdam Statuti per præfatum Cancellarium, Magistros & Scholares contra Noctivagantes legitimè editi, & per diversa Domini Regis & Progenitorum suorum Regum & Reginarum *Anglia* Chartas & Statuta hujus Regni *Anglia* concessa, stabilita & approbata, per quod quidem Statutum provisum & sancitum est, quod quicumque convictus fuerit coram Cancellario & ejus Commissario Universitatis prædictæ pro tempore existente pro nocturnâ vagatione (ut præfertur) sine causâ rationabili, forisfaceret pro quâlibet offensâ de quâ bis convictus fuerit 40 Solidos ad usum prædictorum Cancellarii, Magistrorum & Scholarium Universitatis prædictæ pro tempore existent. Et si post hujusmodi Convictionem prædictam multam pecuniariam infra 8 dies tunc proximè sequentes non persolverit ad usum prædictum, tunc incarcerationetur per judicium ejusdem curiæ, quousque multam pecuniariam prædictam ad usum prædictum persolverit. Et quia præfato Commissario in Curia prædictâ ad tunc & ibidem manifestè apparebat tam ex propriâ concessione ipsius *Ricardi Paynter* per decem separatas noctes inter primum diem Octobris anno regni dicti D. Jacobi nunc regis septimo, noctivagatum fuisse sine causâ rationabili contra formam Statuti prædicti, ideo idem *Ricardus* in eâdem curiâ

super-

super inde ritè & legitime convictus fuit, & per eandem curiam tunc & ibidem condemnatus fuit ad solvendum ad usum prædictum 40 Solidos pro quâlibet vice noctivagationis suæ prædictæ. Et quia prædictus *Ricardus Paynter* infra 8 dies post Convictionem suam prædictam multam prædictam ad usum prædict. non solvit, idè per iudicium ejusdem curiæ tentæ coram prædicto Commissario 25^o Oct. anno septimo supra dicto in Ecclesiâ B. *Mariæ Virginis* prædictæ commissus fuit ibidem remansurus quousque multam prædictam ad usum prædictum persolverit. Et hæc est causa captionis & detentionis prædicti *Ricardi Paynter* in Prisons prædictâ. Cujus corpus coram Domino Rege juxta exigentiam Brevis prædicti paratum habeo, prout interius mihi præcipitur.

Henricus Samborne Armiger, Vicecomes.

*Citatio Delegatorum Parliamentorum
ad visitandam Academiam.*

NOS quorum nomina literis præsentibus subscripta sunt, Procuratoribus modernis Academiæ *Oxonienfis*, nec non universis & singulis Collegiorum & Aularum ibidem Præfectis, Præpositis, Custodibus, Magistris, aliisque quocunque nomine notis Rectoribus ac Rectorum Vices pro tempore gerentibus, Salutem. Cum nos (inter alios) auctoritate quâ fungitur Parliamentaria, vigore scilicet cujusdam specialis Ordinationis supremæ Curiæ Parliamenti jam sedentis nuper editæ gerentis datum primo die Maii, anno Domini 1647. potestatem sufficientem nobis in hac parte

parte concedentis, eandem Academiam, omniaque & singula ibidem Collegia & Aulas, eorundemque Academiae, Collegiorum & Aularum respectivè Magistros, Scholares, Socios, Membra, Officiarios & Ministros quoscunque, ob motum correctionem, ejusdemque Academiae debitam Reformationem (vitia extirpando & virtutes plantando) prope diem (annuente Deo) visitare statuerimus: Vos igitur & quemlibet vestrum respectivè, omnesque & singulos Scholares, Socios, Membra, Officiarios & Ministros Academiae praedictae Collegiorumque & Aularum ibidem respectivè, tenore praesentium peremptoriè citamus & monemus quod compareatis, & vestrum & eorum quilibet respectivè compareat coram nobis aut aliis Collegis five Condelegatis nostris in publico ejusdem Academiae Convocationis domo, die Veneris, viz. quarto die mensis Junii jam proxime futuri, inter Horas nonam & undecimam antemeridianas ejusdem diei, cum continuatione & prorogatione dierum & tunc sequentium & loci (si & quatenus oporteat) in ea parte fiendis, visitationem nostram hujusmodi auctoritate, quâ suprâ, tunc & ibidem (divinâ auxiliante gratiâ) actualitèr exercendam in omnibus subituri, ulteriusque facturi & recepturi, quod natura & qualitas ejusdem negotii de se exigant & requirant, & secundum quod nobis & cæteris Collegis five Condelegatis nostris dabitur in mandatis. Vobis Procuratoribus antedictis, tenore praesentium firmiter injungentes, quatenus omnium & singulorum Bedellorum, Registrariorum & cæterorum Academiae memoratae Ministrorum quorumcunque ditioni vestrae subditorum, nomina & cognomina in quadam Schedulâ exinde conscriptâ & manibus subsignatâ vestris, nobis aut aliis Collegis five Condelegatis nostris, dictis die, horis & loco, debitè significetis.

nificetis. Volentes insuper & cuilibet Collegii atque Aulae intra Academiam antedictam Praeposito, Rectori, Magistro aut Vice-magistro, quocunque nomine noto, mandantes, quatenus ipse consimilem schedulam nominum & cognominum omnium & singulorum Scholarium, Sociorum, Membrorum, Officiariorum & Ministrorum, proprii cui praesidet Collegii sive Aulae tunc & ibidem nobis, (ut praefertur) aut aliis Collegiis sive Condelegatis nostris praesentet: Et hoc sub periculo incumbenti nullatenus omitteretis. Datum 15 die Maii, anno Dom. 1647.

<i>Christopher Rogers,</i>	<i>Na. Brent,</i>
<i>E. Corbet,</i>	<i>Gul. Prynn,</i>
<i>Henr. Wilkinson,</i>	<i>J. Packer,</i>
<i>Franc. Cheynell,</i>	<i>Will. Tippings,</i>
	<i>Joh. Heylyn,</i>
	<i>Gab. Becke.</i>

*Breviarium Chartae Hen. 8vi Anno
Regni 14^o.*

1. **H**enricus Octavus ad procuracionem *Thoma Wolfe, Eboracensis* Archiepiscopi concessit, &c. quantum in nobis est Cancellario & Scholaribus Universitatis *Oxon.*

Item, Quod Cancellarius, Commissarius & Deputatus Commissarii, erunt Conservator & Justiciarius Pacis infra Villam, Suburbia, & quatuor Hundreda prox.

Item, Quod sint Justiciarii Pacis per privilegium infra Comitatus *Oxon. & Berk.*

Item, Quod habeant Potestatem qualem aliqui Justiciarii infra Regnum *Angliae* habeant, exceptis Mahemio & Felonia.

Item,

Item, Quòd possint facere & constituere Justiciarios pacis pro Rege.

Item, Quòd faciant Justiciarios ad omnimodas proditiones, Murdra, Felonias, Mahennia, & alia Maléfacta, &c.

Item, Ad audiendum & determinandum, &c.

Item, Quòd nec Major Villæ, nec aliquis Justiciarius Angliæ versus aliquam privilegiatam personam inquirat aut intromittat, &c.

Item, Quòd supersedeas versus Majorem & alium quemcunque Justiciarium & Commissarium, &c.

Item, Quòd habeant Goalam suam ad puniendum & deliberandum, &c.

Item, Quòd unus Justiciarius Universitatis semper sit ad deliberandam aliquam Goalam infra Villam aut Suburbia *Oxon.*

Item, Quòd Vicecomes *Oxon.* & *Berks.* ad Justiciarium Universitatis faciat Retornat' & exequatur & attendat pro Executione Præcepti, Warranti, &c. sub forisfacturâ 200 l.

Item, Quòd habeant omnes Fines, Amerciamenta & Forisfacturas quæcunque, &c. scilicet per Brevia, Præmunire, &c. de Statutis in posterum edendis tangent' Scholares & personas privilegiatas.

Item, Quòd habeant Strepum, Vastum, Deolandum, & Thesaurum inventum, Felonum, Mlagatorum, Fugitivorum, damnatorum & damnandorum Felonum per se & Felonum in exequend' & infra Villam *Oxon.* & suburbia ejusdem cujusslibet & quorumque Ligeorum five subitorum nostrorum.

Item, Manuopera.

Item, Quòd tot quot possunt pertinere regi.

Item, Quòd possint habere, levare & colligere Fines, Amerciamenta, Redemptiones, forisfacturas, &c.

Item, Quòd Cancellarius, Scholares, Servi-
entes, &c. & cujuslibet eorum Servientes seu
Serviens, Minister, Firmar', Tenentes sui sint
exonerati & quieti de quibuscunque Frifis,
Chiminagiis, Captionibus, Carriagiis Equorum,
Carrestarum, Plaustrorum & aliorum Carriagi-
orum, nec non Frumenti, Hordei, Forni, Fi-
liginis, Avenarum, Fabarum, Pisarum, Bomi,
Boviculorum, Vaccarum, Juvencorum, Ovium,
Porcorum, Porcellorum, Caprarum, Hædorum,
Agnorum, Vitulorum, Anatum, Capponum,
Pullorum, Columbarum, Dentricum, Anguil-
larum, & aliorum Piscium recentium quorum-
cunque, ab Volatilibus, Cuniculis, &c.

Item, Quòd nullus emptorum, prisorum vel
captorum Victualium pro Hospitio Regis vel a-
lius Minister, infra viginti miliarium Univer-
sitatis ingrediatur ad capiendum sine Licentia
Cancellarii, &c.

Item, Pro Renovatione Indictamentorum ali-
quorum coram alio Justiciario per Indenturam
certificatoriam Cancellarii, &c. tangent' privi-
legia, &c.

Item, Quòd Processus & Executio super tali-
bus Indictamentis deliberat' supersedeas sub po-
nâ 40 l.

Item, Quòd prædicta Indictamenta audiri &
terminari coram Cancellario, &c.

Item, Quòd aliquod Indictamentum rema-
nen' per Breve de Certiorari in aliquâ Curia sup-
significatione Cancellarii deliberetur superse-
deat sub ponâ 40 l.

Item, Quòd tales exitus, proficua, Fines, A-
merciamenta, & Forisfacture quæcunque, sint
ad opus & usus Universitatis in perpetuum.

Item, Quòd arrestat' sive imprisonat' immédia-
tè post calumpniam debet, & coram Universita-
tis Cancellario determinari.

Item,

Item, Quòd non licet Majori sive alicui Justiciario vel Commissario Regis post calumpniam Cancellarii, sive per Justiciarios suos, facere Processus, super aliquo indictamento, sub pœnâ 40 l.

Item, Quòd habeant omnes libertates & privilegia Universitatis nunc & pro antea concessis.

Item, Quòd Cancellarius faciat mandatum sive præceptum ministro Universitatis pro Summonitione, visus franci Pilegii.

Item, Quòd possint facere *Common Pinfelde* sive parcum pro districtionibus, & habere omnia advantagia & feoda eidem parco pertinen.

Item, Si aliquis privilegiatus sit arrestatus sive imprisonatus existens infra Regnum Angliæ, immediate post notitiam Cancellarii deliberabitur.

Item, Quod deliberentur sine feodo sub pœnâ 10 l.

Item, Quòd privilegiati possint merchandizare & exercere manualia artificia infra villam *Oxon.* & suburbia sicut *Burghenses*.

Item, Quòd privilegiati sint liberi & exonerati ab omni contributione sine licentiâ pro libertate & franc. *Burghi Majorum*.

Item, Quòd Cancellarius & Congregatio possint facere corporationes, statuta, & ordinationes, cum pœnis ad obligand. contra statuta aliqua.

Item, Quòd possint recipere bona sive catalla sua furata, licet sectat fuerunt per Vicecom. vel alium ministrum.

Item, Quòd Cancellar. &c. non trahantur extra Universitatem pro falso Judicio, vel pro eodem vexentur vel perturbentur.

Item, Hac conditione ad obediendum summonitiæ procuratorum secundum statuta & ordinat. sub pœnâ 20 l. forisfact. Universitati, &c.

Item, Quòd Cancellarius & Major conjunctim & non divisim, auctoritatem habeant ad assidend.

pro xva & xa. & pro alloc. & deduct.

Item, Quòd Cancell. five ejus Commissarius five Deputatus, & non Major, nec alii Commissarii aliquos privilegiat' taxent.

Item, Quòd Cancell. per ministros suos pecuniam sic assessam colligat & collectet, ad hoc deputat' per Indenturam deliberat'

Item, Pro aliqua alia taxatione Cancell. associet sibi Præsidentem & Custodem Coll. *Maria Magdalena Winton.* &c. aliarum vel duobus eorundem & taxent omnes privilegiat' & detur per Indenturam.

Item, Per dona pro omnibus maleficiis aut dat carta prædicta Universitat. & privileg.

Item, Si istæ literæ minus validæ & insufficientes sint, quod tunc Cancellar. *Anglia* eas meliores pro commodis suis faciat, absque aliqua prosecutione inde Regis, hæredum, aut successorum suorum.

Item, Quòd hæ literæ & omnes aliæ chartæ Universitat. confectæ per generalia verba, sint ejusdem vigoris & virtutis sicut essent plus specialiter & particulariter specificatæ.

Item, Quòd hæ literæ legantur & indicantur pro ipsis prout melius intelligi poterint.

Item, Quòd omnes hæ libertates &c. & omnia alia eis pro antea concessis habeant & gaudeant in perpetuum.

Item, Quòd habeant & gaudeant plenam cognitionem de omnibus causis, materiis, querelis & placitis quibuscunque, placito de libero tenemento tantummodo excepto, si una pars sit privilegiat' licet tangat Regem vel Hæredes suos.

Item, Quòd habeant & percipiant omnia amerciamenta, exitus, forisfacturas, & proficua inde pervenien. ad commodum & utilitatem Universitatis.

Item,

Item, Quòd nullus Justiciarius, Judex, vel Officiarius Regis, vel hæredum suorum de querelis privilegiatos tangentib. infra Regnum *Anglia* se in aliquo intromittant.

Item, Et si intromittere præsumpserint, super certicatorio Cancellarii superfedant.

Item, Et post tale certicatorium Cancell. Universitatis prædictæ, ad respondendum non ponant.

Item, Quòd hæ literæ deliberentur absque aliquo feodo in hanaperio Canc. Regis solvend.

Dat. T. Rege apud Westm. 1^o Aprilis Anno Regni Henrici prædicti 14^o.

The Proviso in the last Charter of the Town granted 28 mensis Julii, anno Regni Regis Jacobi 3^o. Scotiæ 38^o.

Volumus insuper, & per præsentés pro nobis Hæred. & Successor. nostris, providimus & firmiter injungendo præcipimus & mandamus, quòd prædictæ concessiones nostræ aut earum aliquæ vel aliquid in his præsentibus contentum aut specificatum, non aliqualiter se extendant aut aliquo modo confirmentur aut adjudicentur extendere aut fore in aliquod damnum aut præjudicium Cancellarii, Magistrorum & Scholarium Universitatis *Oxon.* aut in dampnum, præjudicium aut enervationem aliquarum libertatum, franchesiarum, immunitatum, privilegiorum aut aliquorum Hæred. eorundem Cancell. Magistrorum & Scholarium ejusdem Universitatis *Oxon.* aut aliquorum Collegiorum, Aularum, Hospitiorum

tiorum quorumcunque in quibus liberales artes & scientiæ professæ sint aut doceantur. Sed quòd omnes & singulæ libertates, franchise, immunitates, privilegia & hæreditamenta tam prædict. Cancell. Magistrorum & Scholar. prædict. Universitatis *Oxon.* quam & singulorum omnium prædictorum Collegiorum, Aularum, seu Hospitiorum quorumcunque valida, firma, illæsa, & in suo pleno robore perpetuis futuris temporibus remaneant, his præsentibus aut aliquo in iisdem content. & specificat. non obstante: Volumus etiam, &c. absque fine in hanaperio, &c. eo quòd expressa mentio.

*The Proviso in the Charter of the
Town granted 27^o Januarii, anno
Regni Reginae Elizabethæ.*

COncedimus hæc & illa, &c. Ita tamen quòd Cancellario, Magistris & Scholaribus Universitatis *Oxon.* super libertatibus & privilegiis iis per nos & progenitores nostros concessis præjudicium aliquod prætextu concessionis nostræ prædictæ nullatenus generetur. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quod prædict. Burgenses hæred. & successores sui prædict. habeant omnes libertates & quietancias prædictas sic per nos specificatas & concessas inperpetuum. Ita quòd Cancellario, Magistris & Scholaribus Universitatis *Oxon.* super libertatibus & privilegiis iis per nos & progenitores nostros concessis præjudicium aliquod prætextu concessionis nostræ prædictæ nullatenus generetur, sicut prædictum est.

*Carta amplissima confirmans omnia
Privilegia Antiqua.*

Universitas Oxon.

Anno 1^o H. 5.

HENRICUS Dei gratiâ rex *Anglia, & Fran-*
cia, & Dominus Hibernia, Archiepisco-
pis, Episcopis, Abbatibus, Prioribus, Ducibus,
Comitibus, Baronibus, Vicecomitibus, Præposi-
tis, Ministris, & omnibus Ballivis, & fidelibus
suis, salutem. Inspeximus Cartam Dom. Hen-
rici nuper Regis *Anglia* patris nostri factam in
hæc verba. HENRICUS Dei gratiâ Rex *Anglia,*
& *Francia, & Dominus Hibernia,* Archiepisco-
pis, Episcopis, Abbatibus, Prioribus, Ducibus,
Comitibus, Baronibus, Militibus, Justiciariis,
Vicecomitibus, Præpositis, Ballivis, Ministris &
aliis fidelibus suis, salutem. Inspeximus car-
tam Confirmationis quam Dominus Ricardus
nuper Rex *Anglia* secundus post conquestum fie-
ri fecit in hæc verba. RICARDUS Dei gratiâ
Rex *Anglia & Francia, & Dominus Hibernia,*
Archiepiscopis, Episcopis, Abbatibus, Priori-
bus, Ducibus, Comitibus, Baronibus, Militibus,
Justiciariis, Vicecomitibus, Præpositis, Ballivis,
Ministris, & aliis fidelibus suis, salutem. In-
speximus chartam confirmationis quam Domi-
nus *Edwardus,* nuper Rex *Anglia,* Avunculus
noster, fieri fecit in hæc verba. EDWARDUS
Dei gratiâ Rex *Anglia & Francia, & Dominus*
Hibernia, Archiepiscopis, Episcopis, Abbatibus,
Prioribus, Comitibus, Baronibus, Justiciariis,
Vicecomitibus, Præpositis, Ministris, &
omnibus Ballivis, & fidelibus suis, salutem. In-
speximus cartam confirmationis quam nuper fi-

*Faustina : C.
7. fol. 181.
Cotton Libra-
ry.*

eri fecimus in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis, & fidelibus suis, salutem. Inspeximus literas patentes confirmationis domini *Edwardi* nuper Regis *Anglia* patris nostri, in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, omnibus ad quos præsentis literæ pervenerint, salutem. Inspeximus literas patentes quas Dominus *Henricus* quondam Rex *Anglia*, avunculus noster fecit Cancellario & Universitati *Oxon.* in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*, *Aquitania*, & Comes *Andeg.* omnibus ad quos præsentis literæ pervenerint, salutem. Noveritis nos pro quiete Universitatis Studentium *Oxon.* de speciali gratiâ nostrâ concessisse Cancellario, & Universitati prædictæ quòd quamdiu nobis placuit in causis Clericorum ex mutuis datis aut receptis, aut taxationibus seu locationibus domorum, aut equis conductis, venditis, seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus in municipio aut suburbio *Oxon.* factis nostra prohibitio non currat; sed hujusmodi causæ coram Cancellario Universitatis *Oxon.* (nonobstante prohibitione nostra) decidentur. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud *Radinge*, 10^o die Maii, anno regni nostri xxviii. Inspeximus etiam quasdam alias literas patentes quas idem Avunculus noster fecit prædictæ Universitati in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*, *Aquitania*, & Comes *Andegav.* omnibus ad

ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd ad tranquillitatem & utilitatem tam Magiſtrorum & Scholarium Univerſitatis *Oxon.* quam Burgenſium & aliorum in eàdem Villâ domos habentium, conceſſimus eidem Univerſitati quòd de cætero omnes domus ejusdem municipii *Oxon.* à Scholaribus inhabitatæ & inhabitandæ de quinquennio in quinquennium retaxentur ſecundùm arbitrium taxatorum Clericorum & Laicorum ex utraque parte juratorum, & volumus quòd iſta retaxatio incipiat à tempore confectionis præſentium literarum. In cujus rei teſtimonium has literas noſtras eidem Univerſitati fieri fecimus patentes. Teſte meipſo apud *Wodeſtoke* 10^o die Februarii, anno regni noſtri 11^o. Inſpeximus etiam quaſdam alias literas quas idem Avunculus noſter fecit dictæ Univerſitati in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus literas quas Univerſitati Scholarium *Oxon.* fieri fecimus, anno regni noſtri treceſimo nono ſub ſigillo noſtro quo tunc utebamur, in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*, *Aquitania*, & Comes *Andegav.* omnibus ad quos præſentes literæ pervenerint, ſalutem. Sciatis quòd ad pacem & tranquillitatem, nec non ad utilitatem Univerſitatis Scholarium *Oxon.* providimus & conceſſimus quòd quatuor Aldermanni ſiant in *Oxon.* & octo de diſcretioribus & legalioribus Burgenſibus ejusdem Villæ aſſocientur ipſis Aldermannis, qui omnes jurent nobis fidelitatem & ſint Aſſiſtentes & Conſulentes Majori & Ballivis noſtris *Oxon.* ad pacem noſtram conſervandam ad Aſſiſas dictæ Villæ cuſtodiend. & ad inveſtigand' malefactores & perturbatores pacis noſtræ,

noſtræ, & vagabundos de nocte & receptores latronum & malefactorum, & corporale præſtent ſacramentum quòd omnia prædicta fideliter obſervabunt. In qualibet autem parochiâ Villæ *Oxon.* ſint duo homines electi de legalioribus parochianis, & jurati quòd in qualibet quindena inquirent diligenter, ne quis ſuſpectus hoſpitetur in parochiâ, & ſi aliquis receperaverit aliquem per tres noctes in domo ſua, reſpondeat pro eo. Nullus etiam Regrarius emat viſtuala, in Villâ *Oxon.* vel extra, verſus villam venientia, nec aliquid emat nec iterum vendat ante horam nonam, & ſi fecerit, amercietur & rem emptam amittat. Si Laicus inferat Clerico gravem vel enormem læſionem, ſtatim capiatur, & ſi magna ſit læſio, incarceretur in caſtro *Oxon.* & ibi detineatur quouſque Clerico ſatiſfiat, & hoc arbitrio Cancellar. & Universitatis *Oxon.* ſi Clericus protervus fuerit, ſi minor vel levis ſit injuria incarceretur in villâ. Si Clericus inferat gravem vel enormem læſionem, laico, incarceretur in prædicto caſtro quouſque Cancellarius prædictæ Universitatis ipſum poſtulaverit; ſi minor vel levis ſit injuria, incarceretur in carcere Villæ quouſque liberetur per Cancellar. Piſtores & Braciatores *Oxon.* in primo tranſgreſſu ſuo non puniantur, ſed in ſecundo amittant panem, & in tertio tranſgreſſu habeant judicium de Pillorio; quilibet Piſtor habeat ſigillum ſuum, & ſignet panem ſuum per quod poſſit cognoſci cujus panis ſit. Quicunque de villa *Oxon.* braciavit ad vendendum, exponat ſigillum ſuum, alioquin amittat cerviſiam. Vina *Oxon.* communiter vendantur & indifferenter tam Clericis quam Laicis ex quo imbrochiata fuerint. Temptatio panis fiat bis in anno, viz. in quindena poſt feſtum Sancti Michaelis, & circa feſtum Sanctæ Mariæ in Martio; & aſſiſa cerviſiæ fiat eiſdem terminis ſecundum

secundum valorem bladei & brasei. Et quotiescumque debeat fieri temptatio panis & cerevisie, intersit Cancellarius prædictæ Universitatis, vel aliqui ex parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint: quod si non interfuerint, nec super hoc requisiti fuerint, nichil valeat temptatio prædicta. In cujus rei testimonium has Literas nostras eidem Universitati fieri fecimus Patentes. Teste meipso apud *Wodestoke* 18. die Julii, anno regni nostri tricesimo nono. Illud igitur quod superius expressum est, quod scilicet quatuor Aldermanni & octo de discretioribus & legalioribus Burgenfibus villæ prædictæ, ipsis Aldermannis associati vel associandi, jurent nobis fidelitatem in præsentia nostrâ, & sint assistentes & consulentes Majori & Ballivis prædictis ad ea quæ superius sunt expressa, sic volumus observari, ut si præsentibus non extiterimus, præstetur juramentum prædictum coram alio quem loco nostri ad hoc duxerimus assignand. In cujus rei testimonium has literas nostras fieri fecimus Patentes. Teste meipso apud *Westm.* sexto die Februarii, anno regni nostri quadragesimo sexto. Inspecimus quasdam alias Literas Patentes, quas idem Avus noster fecit Clericis in dictâ Universitate studentibus, in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus ballivis ad quos præsentibus literæ pervenerint, salutem. Cum grave sit & tediosum Clericis laicum feodum habentibus poni in assis juratis vel recognitionibus ipsis scholis insistentibus: Nos hujusmodi Clericis *Oxon.* studentibus ad instantiam Universitatis ejusdem villæ gratiam facere volentes specialem, ipsis concedimus, quod quamdiu studiis ibidem inhæreant, & sub habitu Clericali in suo studio laudabiliter proficiant, non ponantur in assis juratis

ratis vel recognitionibus aliquibus: Et ideo vobis mandamus, quòd dictos Clericos contra hanc Concessionem nostram non molestetis vel molestari permittatis. In cujus rei testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud *Westm.* secundo die Februarii, anno regni nostri quadragesimo nono. Inspeximus etiam quasdam alias Literas Patentes, quas idem Avus noster fecit eisdem Scholaribus, in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernie*, & Dux *Aquitania*, omnibus Ballivis & fidelibus suis ad quos presentes literæ pervenerint, salutem. Inspeximus Literas Patentes dudum confectas apud *Wodestoke*, in præsentia Procuratorum & Scholarium Universitatis *Oxon.* & Burgensium ejusdem villæ, super quibusdam libertatibus præfatis Scholaribus concessis, in hæc verba. Anno regni Regis *Henrici*, filii Regis *Johannis*, tricesimo secundo, 29 die Maii præsentibus apud *Wodestoke* tam Procuratoribus Scholarium Universitatis, quàm Burgensibus *Oxon.* idem Dominus Rex concessit eisdem Scholaribus libertates subscriptas, videlicet, Quòd si inferatur injuria prædictis Scholaribus, fiat inde inquisitio, tam per Villatas vicinas, quàm per Burgenses prædictos. Et quòd si ipsi Burgenses interficiant aliquem de Scholaribus *Oxon.* vel in aliquem ipsorum insultamentum faciant, vel aliqui ipsorum gravem injuriam inferant, Communitas dictæ villæ per se puniatur & amercietur; & Ballivi per se, & non cum Communitate eadem, puniantur & amercientur, si negligentes fuerint vel dolum fecerint in exequendo officium suum contra illos qui hujusmodi injurias prædictis Scholaribus inferant. Et quòd Judæi *Oxon.* non recipiant à Scholaribus prædictis pro librâ in septimanâ nisi duos denarios, & similiter fiat in minori summâ secundum suam quantitatem, aliquin

obquin prædicti Judæi puniantur secundum con-
 suetudinem Regni. Et quod quotienscunque &
 quandocunque Major & Ballivi *Oxon.* sacramen-
 tum fidelitatis suæ præstabunt in loco suo com-
 muni, Communitas ejusdem villæ denunci-
 ciet Cancellario, ut per se vel per aliquas electas per-
 sonas præstationi juramenti prædicti, si voluerit,
 interfit; quod quidem juramentum tale erit
 quod ad Scholares prædictos; videlicet, Quod
 ipse Major & Ballivi conservabunt libertates &
 consuetudines Universitatis prædictæ; alioquin
 non valeat juramentum ipsorum, sed iterum
 præstetur secundum formam præscriptam. Si
 verò Cancellarius nec per se nec per Procurato-
 rem interesse voluerit, ad juramentum nichil-
 ominus procedatur. Et quod duo Aldermanni
 sint electi & deputati de illis qui pro tempore
 fuerint, secundum quod ordinati erant à Domi-
 no *W. de Eborac.* ad exhibendam justitiam cum
 Præpositi abfuerint, sub eadem poenâ quâ Præ-
 positi tenentur, si negligentes vel maliciosi inve-
 niantur. Et quod quilibet Burgenfis *Oxon.* pro
 familiâ suâ respondeat; ita quod si aliquis de
 familiâ suâ mortem vel gravem injuriam alicui
 Clerico vel suis inferat, malefactorem exhibeat
 idem Burgenfis, ut fiat de eo justitia; alioquin
 infligatur poena secundum consuetudinem regni.
 Et quod quotienscunque debeat fieri temptatio
 panis & cerevisiæ, ab eisdem Burgensibus præce-
 dente die denunciatur Cancellario & Procurato-
 ribus Universitatis prædictæ, ut per se, vel per
 aliquos ad hoc deputatos per ipsos, si voluerint,
 interfint temptationi prædictæ; alioquin non va-
 leat temptatio: si verò dicti Cancellarius & Pro-
 curatores Universitatis per se vel per suos inte-
 resse noluerint, ad prædictam temptationem
 nichilominus procedatur. In quorum omnium
 testimonium Dominus *Richardus*, filius *Nicholai*,
 senes-

senescallus Domini Regis, ad præceptum ejusdem Domini Regis, huic scripto sigillum suum apposuit, eodem Domino Rege per literas mandante Vicecomiti, Majori, & Ballivis *Oxon.* ut prædictas libertates inviolabiliter observent & faciant observari, quas etiam idem Dominus Rex fecit irrotulari, anno regni sui trigesimo tertio. Nos autem prædictam Concessionem prædictis Scholaribus super præfatis libertatibus de præcepto nostro factam, ut prædictum est, rata habentes & grata, eam præsentibus Literis nostris Patentibus Scholaribus antedictis concedimus, & sigilli nostri munimine roboramus. Teste meipso apud *Wodestoke* 21. die Junii, anno regni nostri quinquagesimo secundo. Nos autem Concessionem prædictam ratas habentes & gratas, eas pro nobis & hæredibus nostris, quantum in nobis est, eisdem Cancellario, Magistris, Scholaribus & Universitati concedimus & confirmamus, sicut literæ prædictæ rationabiliter testantur. Præterea volentes eisdem Cancellario, Magistris, Scholaribus & Universitati gratiam in hac parte facere uberiores, concessimus eis pro nobis & hæredibus nostris, quod licet ipsi, vel eorum prædecessores, libertatibus prædictis, vel aliquâ earundem, aliquo casu emergente hætenus plene usi non fuerint, ipsi tamen & eorum successores libertatibus illis & earum qualibet, sine occasione vel impedimento nostri vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque, de cætero plene gaudeant & utantur. In cujus rei testimonium hæc Literas nostras fieri fecimus Patentes. Teste meipso apud *Thunderle*, vicesimo die Maii, anno regni nostri octavo. Nos autem Concessionem prædictam ratas habentes & gratas, eas pro nobis & hæredibus nostris, quantum in nobis

nobis est, præfatis Cancellario, Magistris, Scholaribus & Universitati, ad instantem requisitionem dilecti Clerici nostri, Magistri *Roberti de Stratford*, Archidiaconi *Cantuar.* Cancellarii Universitatis prædictæ (ad cujus personam affectionem gerimus specialem) concedimus & confirmamus, sicut literæ prædictæ rationabiliter testantur. Præterea volentes eisdem Cancellario, Magistris, Scholaribus & Universitati, ad sollicitam ejusdem Clerici nostri instantiam, & contemplationi personæ suæ gratiam in hac parte facere ampliorem; concessimus eis pro nobis & hæredibus nostris, & hac Cartâ nostrâ confirmamus, quòd licet ipsi vel eorum prædecessores libertatibus prædictis, vel aliquâ earundem, aliquo casu emergente hætenus plenè usi non fuerint, ipsi tamen & eorum successores libertatibus illis, & earum quâlibet, sine occasione vel impedimento nostri vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque, de cætero plenè gaudeant & utantur. Insuper cum per dictas Literas Patentes præfati Proavi nostri, concessum fuisset dictis Cancellario & Universitati, quòd quamdiu dicto Proavo nostro placeret in causis Clericorum, ex mutuis datis aut receptis, aut taxationibus seu locationibus domorum, aut equis conductis, venditis seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus in municipio aut suburbio *Oxon.* factis, prohibitio sua non curreret, sed hujusmodi causæ coram Cancellario Universitatis *Oxon.* non obstante prohibitione suâ, deciderentur: Volumus & concedimus pro nobis & hæredibus nostris, de nostrâ uberiori gratiâ, ut studentes in Universitate prædictâ studiis hujusmodi inherere & intendere tranquillius, & fatigatio-

nes,

nes, ac alia litium & jurgiorum dispendia valeant evitare, quòd in omnibus hujusmodi causis Clericorum in dictâ villâ *Oxon.* & suburbiis ejusdem ortum habentibus, prohibitio nostra vel hæredum nostrorum de cætero aliquibus futuris temporibus nequaquam currat, nec locum habeat, sed hujusmodi coram Cancellario Universitatis prædictæ qui pro tempore fuerit, vel ejus Commissario sive locum-tenente, non obstantibus hujusmodi prohibitionibus reglis, perpetuò decendantur. Item cum in aliis literis prædicti Proavi nostri contineatur, quòd omnes domus ejusdem municipii *Oxon.* à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur, secundum arbitrium taxatorum Clericorum & Laicorum ex utraque parte juratorum: Volumus, & prædictis Cancellario, Magistris, Scholaribus & Universitati pro nobis & hæredibus nostris concedimus, quòd omnes domus tam in suburbiis dictæ villæ *Oxon.* quàm in eadem villâ, à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur in formâ prædictâ. Item cum per alias literas ipsius Avi nostri prædictas concessum sit & provisum, quòd quatuor Aldermanni fiant in *Oxon.* & octo de discretioribus & legalioribus Burgensibus ejusdem villæ associantur ipsis Aldermannis, qui omnes jurent nobis fidelitatem, & sint assistentes & consulentes Majori & Ballivis nostris *Oxon.* ad pacem nostram conservandam, ad assisas dictæ villæ custodiendas, & ad investigandas malefactores & perturbatores pacis nostræ, & vagabundos de nocte, & receptores latronum & malefactorum, & corporale præstent sacramentum, quòd omnia prædicta fideliter observabunt; & quòd in quâlibet parochiâ villæ *Oxon.* sint duo homines electi de legalioribus parochianis, & jurati quòd in quâlibet quin-

denâ inquirent diligentius, ne quis suspectus hospitetur in Parochiâ: & si aliquis receptaverit aliquem per tres noctes in domo suâ, respondeat pro eo. Ac ex parte prædictorum Cancellarii & Universitatis sit intelligi nobis datum, quòd pro eo quòd aliqui ad sacramenta Aldermannorum prædictorum & dictorum octo Associatorum in absentia nostrâ recipienda, & ad dictos duos homines in quâlibet parochiâ dictæ villæ sic eligendos, minimè deputantur, eadem sacramenta & electio eâ de causâ sæpius sunt ommissa, per quod diversa maleficia in eâdem villâ hætenus perpetrata fuerint, & indies perpetrantur; & nobis sit supplicatum, ut super hoc opportunum apponere remedium dignaremur: Nos pro utilitate & quiete dictæ Universitatis providere volentes, concessimus pro nobis & hæredibus nostris, quòd Cancellarius Universitatis prædictæ qui pro tempore fuerit, vel ejus Commissarius vel locum-tenens, ac Major dictæ villæ pro tempore existens, sacramenta prædictorum quatuor Aldermannorum & dictorum octo sibi de Burgensibus prædictis associatorum, singulis annis ad festum sancti Michaelis (si nos vel hæredes nostri tunc ibidem præsentés non fuerimus) nostro & ipsorum hæredum nostrorum nomine recipiant, quòd ipsi Aldermanni & Associati omnia prædicta fideliter observabunt, & quòd dicti Cancellarius sive Commissarius, vel ejus locum-tenens, ac Major, singulis annis, vel magis solitò, si expedire imminentibus periculis videatur, duos homines in quâlibet parochiâ dictæ villæ & suburbiorum ejusdem de legalioribus parochianis illis eligant vel eligi faciant, & quòd ipsorum sacramenta nostro nomine recipiant, quòd ipsi sic electi & jurati in quâlibet quindenâ diligenter inquirent, ne suspectus aliquis in parochiâ hospitetur; & si quis aliquem per

tres noctes in domo suâ receptaverit, pro eo respondeat ut est dictum; & quod de toto facto suo in hac parte dictos Cancellarium sive Commissarium, vel ejus locum-tenentem, ac Majorem pro tempore existentem, distinctè & indilate certificent, ut ipsi ulterius contra hujusmodi suspectos & eorum receptores, prout ad officia sua pertinet, procedere & facere valeant, prout pro conservatione pacis nostræ ibidem, & punitione & castigatione malefactorum hujusmodi rationabiliter fuerit faciendum. Insuper cum in alijs Literis Patentibus dicti Proavi nostri continetur, quod quilibet Burgensis Oxon. pro familiâ suâ respondeat; ita quod si aliquis de familiâ suâ mortem vel gravem injuriam alicui Clerico vel suis inferat, malefactorem exhibeat idem Burgensis, ut fiat de eo justitia; alioquin infligatur pœna secundum consuetudinem regni: Volumus & concedimus pro nobis & hæredibus nostris, quod quilibet Burgensis pro familiâ suâ & servientibus suis respondeat in emptionibus & venditionibus vini & aliorum victualium quorumcumque ipsorum Burgensium, tam in suburbis quàm villâ prædictis venditioni expositorum, ubi Scholaris est una partium, ipsis Burgensibus de excessibus & injuriis per familiam vel servientes suos in hujusmodi emptionibus & venditionibus per præfatum Cancellarium, vel ejus vices gerentem, semel vel bis, si opus fuerit, primitus debite præmunitis; & quod dictus Cancellarius, vel ejus Commissarius aut locum-tenens, qui pro tempore fuerit, cognitionem de hujusmodi excessibus & injuriis in emptionibus & venditionibus prædictis, ubi Scholaris est una pars, ut prædicitur, habeat, & delinquentes in hac parte puniri faciat, prout decet. Item cum Burgenses dictæ villæ Oxon. homines pannos laneos & telas lineas venales ad eandem villam portantes

tes, dictos pannos & telas secare, & per partes vendere Scholaribus & aliis eos emere volentibus, nisi eosdem pannos & telas integros emere voluerint, hactenus non permiserint, nec adhuc permittant, ut accepimus, quovismodo, in ipsorum Magistrorum & Scholarium & nonnullorum aliorum grave dampnum & jacturam, per quod nobis est cum instantiâ supplicatum, ut super hoc remedium apponamus: Nos nolentes talia, quæ sic in dampnum & gravamen populi nostri redundare noscuntur, tolerare aliquammodo incorrecta, volumus & concedimus pro nobis & hæredibus nostris, quòd omnes hujusmodi pannos laneos & telas lineas venales ad villam prædictam, seu suburbia ejusdem, portantes vel ducentes, eosdem pannos & telas ibidem secare, & hujusmodi pannos & telas, tam per partes quàm integros, tam Clericis quàm aliis vendere possint, prout vendentium voluntati placuerit, & eis visum fuerit expedire, sine occasione, impedimento, aut perturbatione Majoris, Ballivorum & Burgenfium dictæ villæ, ac aliorum quorumcunque. Insuper cum Cancellarius Universitatis prædictæ pro quiete ejusdem Universitatis & conservatione pacis nostræ ibidem, ac malefactorum maliciis refrænantis Clericos in eadem Universitate delinquentes, tam pro suspicionibus & aliis causis diversis, pro majoribus dampnis & periculis evitandis, quàm pro delictis suis, investigare & capi facere sæpius & diversimodè oporteat, & committere custodiæ carcerali, & idem Cancellarius metuat se ad prosecutionem hujusmodi imprisonatorum de imprisonamentis illis posse imposterum prægravari, & nobis sit supplicatum, ut indemnitati Cancellarii dictæ Universitatis velimus prospicere in hac parte: Nos considerantes quòd pax nostra ubique inviolabiliter observetur, & delinquentes in eadem Universitate

ad maiorem quietem & tranquillitatem ejusdem debite castigentur, ac volentes Cancellarii dictæ Universitatis pro tempore existentis securitati in præmissis providere, volumus & concedimus pro nobis & hæredibus nostris, quantum in nobis est, quòd Cancellarii ejusdem Universitatis qui hætenus fuerunt, vel ex nunc erunt, aut eorum Commissarii vel loca-tenentes, occasione imprisonmentorum Scholarium dictæ Universitatis, seu aliorum, per ipsos Cancellarios, pro conservatione pacis nostræ, & quiete Universitatis prædictæ, ac punitione & castigatione malefactorum hujusmodi ibidem hætenus imprisonmentorum seu exinde imprisonmentorum, illorum videlicet qui in eadem Universitate, in villâ & suburbiis prædictis, Scholaribus, seu eorum servientibus, seu aliis de jurisdictione Universitatis prædictæ delinquentes inventi, seu de maleficiis ibidem perpetratis notoriè suspecti vel convicti fuerint per breviam nostram vel hæredum nostrorum, de audiendo & terminando, vel de falso imprisonmento seu quovis alio colore, in curiis nostris vel hæredum nostrorum, sive aliis aut alibi nullatenus occasionentur, inquietentur, molestentur in aliquo seu graventur. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quòd prædicti Cancellar. & Major, qui pro tempore fuerint, omnes libertates prædictas, quatenus eadem libertates ipsos conjunctim vel separatim contingant, in perpetuum habeant, & eis gaudeant & utantur absque impedimento nostri vel hæredum nostrorum, Justic. aut aliorum quorumcunque. Hiis testibus, Venerabilibus Patribus *Johanne Cantuariæ* Archiepiscopo, totius *Angliæ* Primate, Cancellario nostro; *Henrico Lincolnia* Episcopo, Thesaurario nostro; *R. Dunolmen.* Episcopo; *Johanne Comite Cornubia*, fratre nostro carissimo; *Willielmo de Monte Acuto*; *Roberto de Ufford*, Senes-

Senescallo Hospitii nostri; & aliis. Dat. per manum nostram apud *Waltham* xii. die Aprilis, anno regni nostri decimo. Inspeximus etiam quandam Confirmationem, quam Dominus *Edwardus*, quondam Rex *Anglia*, Pater noster, fecit prædictis Cancellario & Universitati, super quibusdam Ordinationibus inter eosdem Cancellarium & Scholares dictæ Universitatis ex unâ parte, & Burgenses ejusdem villæ ex alterâ factis, in hæc verba. *EDWARDUS* Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, omnibus ad quos præsentis litteræ pervenerint, salutem. Inspeximus quandam ordinationem super diversis contentionibus & exactionibus inter Cancellarium & Scholares Universitatis *Oxon.* ex unâ parte, & Majorem & Burgenses ejusdem villæ ex alterâ, dudum motis, super quibusdam gravaminibus & contumeliis hinc inde illatis, coram celebris memoriæ Domino *Edwardo*, quondam Rege *Anglia*, Patre nostro, & consilio suo, ad Parliamentum suum, post Pascha, anno regni sui decimo octavo, per ipsum Regem Patrem nostrum & consilium suum factam, & responsiones ejusdem Patris nostri super diversis articulis in eâdem ordinatione contentis continentem, in hæc verba. Cum inter Cancellarium & Scholares Universitatis *Oxon.* ex unâ parte, & Majorem & Burgenses ejusdem villæ ex alterâ, diversæ contentiones & exactiones, super quibusdam gravaminibus & contumeliis hinc inde illatis, motæ fuissent; tandem coram ipso Domino Rege & ejus Consilio, ad Parliamentum suum, post Pascha, anno regni sui, videlicet, regni Regis *Edwardi*, filii Regis *Henrici*, decimo octavo, in præsentia Cancellarii & quorundam Magistrorum prædictæ Universitatis plenariam potestatem habentium, & etiam Majoris & Burgensium ejusdem villæ, mutuò consentientium, contentiones

& contumeliæ quæcunque hinc indè illatæ, usque festum sancti *Johannis* ante portam latinam, consentiente & concedente ipso Domino Rege, in hunc modum conquieverunt, videlicet, quòd omnes occasiones & demandæ, quas prædicti Cancellarius & Scholares habuerunt vel habere poterunt versus prædictos Majorem & Burghenses, & etiam quas iidem Major & Burghenses habuerunt vel habere poterunt versus prædictos Cancellarium & Scholares, quoquo modo, quæcunque occasione quarumcunque transgressionum usque diem prædictum hinc inde factarum, quietè & integrè remittantur, irritentur, & adnullentur. Sed quia Domino Regi & ejus Consilio visum est, quòd per compositionem seu concordiam prædictam nulla persona singularis ab actione personali, occasione transgressionis sibi personaliter illatæ, possit vel debeat excludi; concessum est & provisum bonâ fide hinc inde, quòd nec prædictus Cancellarius aut Scholares, nec prædicti Major aut Burghenses, alicui conqueri se volenti, occasione alicujus transgressionis ante concordiam prædictam sibi illatæ, auxilium nec consilium exhibebunt aut juvamen, vel aliquo modo sustentabunt, in placito illò prosequendo, defendendo, aut in aliquibus placitum illud tangentibus. Et si forte contingat querelam aliquam temporibus retroactis factam coram Cancellar. Universitat. prædictæ innovari, iidem Cancellar. & Scholar. pro se & Cancellar. impofterum succedentibus, bonâ fide promiserunt, quòd favorem majorem aut graviolem, seu sustentationem, Clerico quàm Laico, cujuscunque fuerint conditionis, non impendent; immo juris ordine observato, nullo habito respectu ad personam quamcunque, in querelâ illâ ritè procedant, & debitum & festinum utrique parti faciant justitiæ complementum. Et ad istam concordiam &

& etiam perpetuam pacem & firmam inter prædictas partes de cætero observand. prædicti Major & Burgenſes firmiter & bonâ fide promiſerunt, quòd omnes libertates & liberas conſuetudines, quas prædicti Cancellarius & Scholares habent per cartas & conſeſſiones Domini Regis & Progenitorum ſuorum, & etiam omnes alias conſuetudines quibus iidem Cancellarius & Scholares rationabiliter uſi ſunt, benè & firmiter tenebunt, & fideliter teneri facient de cætero, ſine aliqua contradicitione. Et quia viſum fuit eidem Majori & Burgenſibus, quòd prædicti Cancellar. & Scholares quibuſdam conſuetudinibus in cartis Domini Regis & Progenitorum ſuorum ſibi factis abutuntur, & quibuſdam uti nituntur, quæ in cartis ſuis non continentur, & quæ in exhæredationem ipſius Domini Regis, coronæ & dignitatis ſuæ læſionem, manifeſtè redundant, iidem Major & Burgenſes quosdam articulos ſubſcriptos ipſi Domino Regi porrexerunt, ſupplicantes ut, auditis articulis illis & intellectis, in præſentia tam ipſorum Majoris & Burgenſium, quàm prædictorum Cancellarii & Scholarium, debitum & perpetuum apponat remedium, & quibus articulis, prout patet inferiùs, cuique ſingulavit, per ipſum Dominum Regem & Conſilium ſuum eſt reſponſum, perpetuò duratur. In primis, ubi prædicti Major & Burgenſes queruntur, quòd cum per cartas Domini Regis Cancellario & Univerſitati prædictæ factas & conſeſſas, quatuor Aldermanni & octo Burgenſes iurati ſint & aſſociati Majori & Ballivis, ad pacem Domini Regis observandam, & ad malefactores areſtandos & de nocte vagabundos, & iidem tales contra pacem Domini Regis attachient & areſtent, prædictus Cancellarius pro voluntatè ſuâ eos faciat deliberari, & præterea ipſos Aldermannos & Ballivos, & alios quoscumque manus injicientes in

hujusmodi malefactores citari faciat coram eo, ita quòd per sententiam vel imprisonamentum ipsos redimat pro suâ voluntate. Ad quem articulum per Dominum Regem est responsum, Quòd idem Dominus Rex vult & concedit, quòd Cancellarius Universitatis prædictæ, qui pro tempore fuerit, habeat cognitiones quarumcunque transgressionum infra prædictam villam factarum, ubi Clericus fuerit una partium, exceptis placitis de morte hominis & de mahemio, & vult quòd de Ballivis ipsius Domini Regis cognoscat, qui aliter se gerunt in officio suo quàm facere debent; & si iidem Ballivi per Cancellarium se sentiant gravatos, veniant ad Curiam Regis, & ibidem justitiam habebunt; & hoc concedit Dominus Rex Universitati prædictæ pro voluntate suâ. Ad hoc etiam quod prædicti Burghenses queruntur, quòd. cum in cartâ Domini Regis contineatur, quòd non liceat aliquibus Regratoribus aliqua victualia infra villam *Oxon.* vel extra, ad eandem villam venientia, emere ante horam nonam, & si fecerint, quòd victualia sic empta sint forisfacta & amissa, prædictus Cancellarius forisfacturam illam & amerciamenta inde provenientia sibi appropriat & usurpat super Dominum Regem & Ballivos suos, ad grave dampnum & deteriorationem firmæ suæ villæ de *Oxon.* Ad quod respondit Dominus Rex, & vult, quòd Cancellarius & Major in villâ *Oxon.* & Cancellarius & Vicecomes Domini Regis *Oxon.* extra villam *Oxon.* qui pro tempore fuerint, de forstallatoribus illis habeant cognitionem, ita quòd res forisfacturæ de assensu Cancellarii & Majoris infra Villam *Oxoniam*, & etiam de assensu Cancellarii & Vicecomitis extra Villam *Oxoniam*, dentur Hospitali Sancti *Johannis* extra portam orientalem

orientalem & per visum eorundem in eleemosynam ipsius Domini Regis, & hoc concedit Dominus Rex pro sua voluntate. Ad hoc etiam quod predicti Major & Burghenses queruntur, quod cum in Charta Domini Regis contineatur, quod si Laicus Clerico transgrediatur, & pro transgressionem illam prisonam committatur quousque per considerationem Cancellarii Clerico laeso satisfiat, quod Cancellarius Laicum illum sic imprisonatum redimit ita graviter quod fere destruitur quicunque fuerit; & praeterea Laicum sic imprisonatum per obligationem sic ligat, & etiam per obligationem pecuniae solvenda si extunc transgrediatur, quod multi de villa illa destruantur & exheredantur. Ad quod Dominus Rex vult & respondit, quod Cancellarius qui pro tempore fuerit, faciat facere emendationes rationabiles tam de Laicis quam de Clericis convictis coram eo de transgressionem, & quod capiat hinc inde per obligationem, seu alio modo sicut rationabiliter hucusque fieri consuevit securitatem sufficientem, &c. Ad hoc etiam quod predicti Major & Burghenses queruntur, quod cum in Charta Domini Regis contineatur, quod Ballivi Villae praedictae juramentum suum facere debent in loco communi, praedictus Cancellarius & Scholares venire faciant Ballivos illos coram eis ad ecclesiam B. Mariae, & ibi aliud juramentum de eis capiant & jurare faciant, quod juramentum illud tenebunt, pro se, & haeredibus suis, & familiam suam, nec permittant illos in juramento illo faciendo excipere fidem in qua Domino Regi tenentur, & per idem juramentum eis injungunt, quod remedium eis non perquirent in Curia Domini Regis, vel per ejus Consilium in hiis, quae ipsos Cancellarium & Universitatem contingunt. Ad quod Dominus Rex prohibet, quod Burghenses praedicti coram pra-

prædicto Cancellario aliquod juramentum aliter non faciant, nisi salvâ fide Domini Regis, & quòd de cætero non jurent quòd conqueri se non debeant in curiâ Domini Regis de transgressionibus sibi factis, si necesse fuerit; sed Dominus Rex vult bene quòd juramentum Aldermannorum & etiam octo & quinquaginta hominum Villæ prædictæ de cætero fiat sicut fieri consuevit: Ita tamen quòd prædicti Burgenses non jurent nisi per seipsos. Et præceptum est Majori, quòd de cætero scire faciat Cancellarium, quòd sit ad juramentum faciendum de Burgensibus prædictis secundum tenorem Cartæ Domini Regis. Ad hoc etiam quòd prædicti Major & Burgenses queruntur, quòd cum forisfacturæ emendæ & amerciamenta de carnibus & piscibus putridis & incompetentibus pertineant Domino Regi & Ballivis suis prædictæ Villæ in quorumcunque Mercatorum ejusdem Villæ, seu aliorum manibus inveniantur, prædicti Cancellarius & Scholares per Procuratores suos Universitatis prædictæ sibi forisfacturas emendas & amerciamenta illa appropriant sine Warranto ut creditur, ad grave dampnum Regis & firmariorum suorum ejusdem Villæ; Ad quod Dominus Rex vult & præcipit, quòd neq; Cancellarius, nec Major, forisfacturas emendas, vel amerciamenta talia percipiat; sed præcipit & vult, quòd si tales carnes & pisces emantur & inde fiat querimonia, quòd Cancellarius & Major conjunctim inde habeant cognitionem, & si res empta putrida vel incompetens inveniat, reddatur Emptori pecunia sua quam pro eâ dedit, & forisfactura & amerciamenta per ipsos Cancellarium & Majorem adjudicentur, & per eosdem liberentur Priori Hospitalis Sancti *Johannis* prædicti de dono Domini Regis ad suam Voluntatem, &c. Ad hoc etiam quòd prædicti Major & Burgen-

ſes queruntur, quòd cùm per chartam Domini Regis non conceduntur aliquæ Libertates aliis in prædictâ Villâ quàm Scholaribus Universitatis prædictæ Villæ, & illi Scholares ſint exempti à Civitate prædictâ ad respondendum coram eis, vel ſimul cum ipsis, de aliquibus rebus ipſum Dominum Regem vel Civitatem prædictam tangentibus, prædicti Cancellarius & Scholares per Procuratores ſuos alios ſibi appropriant, & qui non ſunt Scholares, ut Sciſſores, Barbatores, Scriptores, Pergamenatores, & huiusmodi qui non ſunt de iuriſdictione ſuâ, & qui habent in eâdem villâ Uxores, Familiam, & Mercandis ſas ſuas, & hoc ad grave dampnum Domini Regis & firmariorum ſuorum; ad quod, per prædictum Cancellarium & Magiſtros, & etiam per prædictos Majorem & Burgenſes unanimiter eſt concordatum, quòd de cætero nullus gaudeat libertatibus ſeu privilegiis Universitatis prædictæ niſi Clerici & eorum Familia & Servientes; Pergamenatores, Luminatores, Scriptores, Barbatores, & alii homines de officio qui ſunt de nobis ipſorum Clericorum, & ſi de Mercandis aliquibus ſe intromittant, ſint talliabiles ſimul cum Burgenſibus. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur, quòd ubi ipſi ſolebant tenementa ſua in Villâ tradere & demittere ad firmam pro voluntate ſuâ ad ſuſtentionem ſuam & parvulorum ſuorum, prædicti Cancellarius & Scholares non permittunt eos tenementa ſua ad terminum breviorẽ tradere quàm ad terminum trium annorum, ad grave dampnum communitatis prædictæ; ad quod Dominus Rex vult & præcipit, quòd prædicti Burgenſes non impediantur per prædictos Cancellarium & Scholares & Procuratores ſuos quin tenementa ſua dare & vendere poſſint, & ad firmam dimittere prout ſibi viderint expedire.

Ita

Ita tamen quòd fraus, collusio seu conventio non fiat per quod Clerici deospitentur vel eorum hospitia fiant cariora, & etiam quòd Clerici hospitia sua privilegio locato non demittant contra consuetudinem usitatam. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur quòd cùm quilibet liber homo rationabilem debeat habere Summonitionem, prædictus Cancellarius ad horam primam eos facit Summoneri quòd sint coram eo ad horam tertiam, & si non venerint, facit eos excommunicari & puniri pro voluntate sua; ad quod, per Dominum Regem est concordatum & præceptum, quod homines commorantes in Villâ *Oxon.* de cætero summo-
neantur uno die quòd compareant ad alium diem & non aliter; sed alii homines vagabundi summo-
neantur ad voluntatem ipsius Cancellarii, & secundum quod viderit rationabile esse faciendum, & si necesse fuerit quòd Inquisitiones fiant pro pace Domini Regis observandâ, quòd homines infra villam commorantes veniant quâcunque horâ fuerint summoniti, &c. Ad hoc etiam quod prædicti Major & Burgenſes queruntur, quod cùm Milites, liberi homines, & alii, trans-
euntes per propriam hospitentur ad domos Burgenſium de *Oxon.* & aliquis Clericus Universi-
tatis prædictæ actionem versus tales extraneos movere voluerit, justè vel injustè pro contractibus seu conventionibus forinsecus & extra Commissionem factis, prædictus Cancellarius ad que-
relam Clerici sequestrare facit equitaturam & . . . suum talium extraneorum, licet fuerint in
servitio Domini Regis aut alterius cujuscunque Magnatis, & si hospes ille aliquem talem extra-
neum cum Domino Rege aut alio magnate exi-
stentem areſtare, & bona sua retinere non audeat,
vel non possit, sed ipsum liberè abire permittit,
Cancellar. ipsum punit ut culpabilem transgres-
sionis

fionis prædictæ ; ad quod Dominus Rex vult & præcipit, quod transeuntes per villam *Oxon.* respondeant coram Cancellario de contractibus & transgressionibus factis Scholaribus infra villam *Oxon.* & non de contractibus & transgressionibus forinsecis. Ad hoc etiam quod prædicti Major & Burgenses queruntur, quod cum aliquis Laicus per Clericum fuerit vulneratus, ita quod de vita desperetur, prædictus Cancellarius ipsum petit sibi deliberari priusquam veritas de vita vel de morte vulnerati poterit sciri, & contradictores excommunicari facit. Ad quod Dominus Rex vult & præcipit Cancellarium prædictæ Universitatis firmiter injungendo, quod nullum Clericum in prisonâ detentum pro vulnere aut Mahemio de prisonâ deliberet quousque veritatem certam & indubitatam intelligat, quod de morte aut Mahemio non desperetur, & benè caveat Cancellarius in hoc articulo quod omnibus faciat justiciam. Ad hoc etiam quod prædicti Major & Burgenses queruntur quod cum prædicti Cancellarius & Scholares clamant habere taxationem domorum Burgensium in quibus Clerici inhabitant in villâ prædictâ, & taxatio illa fieri debeat de septennio in septennium, & per sacramentum Magistrorum & Burgensium, prædicti Cancellarius & Scholares & Procuratores sui Universitatis prædictæ, Burgenses ipsos jurare faciant de taxatione illâ faciendâ, de quinquennio in quinquennium, nec permittunt Magistros jurare prout quod taxationes illæ non sunt rationabiliter factæ, sicut de jure esse debent ad grave dampnum Burgensium, & etiam villæ Domini Regis, & sine Warranto ut credunt ; ad quod Dominus Rex vult & firmiter præcipit, quod taxationes domorum in villâ *Oxon.* fiant de quinquennio in quinquennium, prout carta Domini Regis vult, per duos Clericos

&

& duos Laicos juratos, & si Clerici jurent per sacramentum, quod fecerunt Universitati, Laici jurent per sacramentum quod Domino Regi fecerunt, & si Clerici novum faciant juramentum, quod Laici hoc faciant & in loco ubi temporibus retroactis facere consueverunt, &c. Nos autem ordinationem prædictam quam coram nobis venire fecimus ad requisitionem discreti viri Magistri *Henrici de Harcla*, Cancellarii Universitatis prædictæ, acceptantes eam pro nobis & Hæredibus nostris, quantum in nobis est concedimus & confirmamus, volentes & concedentes pro nobis & hæredibus nostris, quod prædicta ordinatio in omnibus & singulis suis articulis firmiter & inviolabiliter observetur secundum formam superius annotatam. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud *Westm.* xi^o die Martii, anno regni nostri octavo. Insuper insuper quandam aliam cartam quam nos nuper fieri fecimus in hæc verba. EDWARDUS Dei gratiæ Rex *Angliæ & Franciæ*, & Dominus *Hiberniæ*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis & fidelibus suis, salutem. Inter cætera per quæ regnantium & regnorum exaltatio procuratur, ac subditorum consulitur commodis & quieti, illud videtur attentâ consideratione præcipuum, ut in ipsorum regnorum regimine, potentia & sapientia quod de fluvio liberalis scientiæ potissimè derivatur, sua communicent officia & mutuò se supportent, nam potestas militaris nisi fuerit per sapientiam regulata, de facili deviat, & velut navis sine gubernaculo procellis exposita citò perit, & visum est communiter accidere quod ubi studium Scientiarum liberalium plus invaluit, illic floruit e-

minen-

minentius militia secularis, & abscedente huiusmodi studio militiæ strenuitas est secuta, sanctæ cum Universitas *Oxon.* velut fons & calveus huiusmodi studii præcipuus rore Scientiæ liberalis regnum nostrum *Anglia* eminentissime resperferit, & sicut vitis abundans multos in vineâ Domini produxerit palmites fructuosos, viros videlicet literatissimos, per quos tam ipsum regnum quam ejus sacerdotium decoratum est & multipliciter roboratum. Nos qui consideratione præmissâ quietem & incrementum ipsius Universitatis corditer appetimus, auditâ periculossâ discordiâ nuper inter Scholares ipsius Universitatis & homines dictæ Villæ suscitâtâ & intellectis homicidiis, incendiis, deprædationibus & aliis aliis ibi factis, dolentes fuimus nimirum & turbati videntes ipsam Universitatem, pecuniariam dicti regni Thesaurum, & super aurum & topazion preciosum, miserabiliter desolatam ac subversioni patenter expositam, si contra cunctos culpabiles facta fuisset persecutio rigorosa; & proinde volentes parcere multitudini, severitati prout expedit detrahendo, ut sic ipsam Universitatem redintegrare, & super ipsius quiete perpetuâ possumus melius & securius per Dei gratiam ordinare. Quia tam Cancellarius & Scholares ipsius Universitatis, quam Major & Communitas dictæ Villæ super omnibus sic mixtum perpetratis & eorum reformatione ac damnorum refusione se, bona sua, jurisdictiones ac iura, libertates & privilegia eis, per Progenitores nostros, & nos concessa, vel per eos usitata, dispositioni nostræ & voluntati simpliciter submitserunt, nobis humiliter supplicantes ut super hiis ordinare juxta nostrum beneplacitum dignaremur, dictas submissiones admisimus, & juxta vim & efficaciam earundem cepimus in manum nostram dictam discordiam, & omnia jurisdicti-

ones

ones libertates & privilegia, tam Cancellario, Magistris & Scholaribus ipsius Universitatis quam Majori, Ballivis & hominibus dictæ Villæ, per Progenitores nostros, & nos concessa, vel per eos in præterito usitata, ac etiam compositiones & omnia alia in dictis submissionibus plenius expressata, prohibentes sub gravi forisfacturâ nostrâ ne de cætero mutuò se invadant, sed ab omnibus cessent injuriis contumeliis atque brigis, & ad revocandum dispersos & affecurandum alios illuc venire volentes; ordinavimus & merito nostro concessimus pro nobis & hæredibus nostris, quòd omnes & singuli studere ibidem volentes, tam illi qui ratione dictæurbationis recesserant, quam alii, illuc securè possunt accedere & morari, quos omnes & singulos in protectionem & defensionem nostras suscepimus speciales. Et ut dictis Scholaribus & eorum servientibus securior ad dictam Universitatem pateat regressus & aditus, perdonavimus de gratiâ nostrâ speciali & ex plenitudine potestatis regię, ac pro bono publico, omnibus & singulis Magistris & Scholaribus & eorum servientibus omnimodas felonias, roberias, incendia & transgressiones per ipsos vel eorum aliquem inurbatione prædictâ perpetrata, & firmam pacem nostram eis inde concessimus. Nolentes quòd ipsi Magistri, Scholares, vel eorum servientes, ad sectam nostram vel aliorum pro dictis felonijis, roberiis, incendiis & transgressionibus impetantur, molestentur in aliquo, seu graventur. Ad hæc de gratiâ nostrâ supradictâ restituimus dictis Cancellario, Magistris & Scholaribus, omnia Jurisdictiones, jura, libertates & privilegia sic in manum nostram capta. Ita quod eis & eorum singulis utantur & gaudeant prout anteurbationem & captionem prædictas usi sunt pariter & gavisi. Item cum in Universitate prædictâ graves discordiæ

lize pluries sint exorta ex eo quòd Cancellarius
 pfius Universitatis, & Major dictæ Villæ qui
 iuxta concessionem nostram super hoc eis factam
 lebuerant assisam Panis & Cervisiæ communi-
 er custodire super punitione in hac parte faci-
 endâ maxime propter malitiam Laicorum ven-
 litorum dictorum victualium querentium in
 omni dispendio lucra sua non poterant fa-
 ciliter consentire. Nos discordiis hujusmodi
 quæ ex cognitione tali provenire poterunt, vo-
 entes ut expedit obviare, virtute submissionis
 prædictæ ordinavimus & concessimus, pro nobis
 & Hæredibus nostris, & hac Charta nostra con-
 firmavimus, quòd Cancellarius ipfius Universi-
 tatis, & Successores sui, & eorum Vices gerentes,
 soli & in solidum in villâ Oxon. & suburbiis ejus-
 lem, habeant custodiam Assisæ Panis, Vini, &
 Cervisiæ, ac correctionem & punitionem ejus-
 lem, cum finibus, amerciamentis, & proficuis
 illis provenientibus in hac parte. Reddendo no-
 bis & Hæredibus nostris centum Solidos annua-
 im, videlicet, quinquaginta Solidos ad Scacca-
 rium nostrum Sancti Michaelis, & quinquaginta
 solidos ad Scaccarium nostrum Pasche. Con-
 cedimus etiam, quòd Cancellarius solus & in so-
 lidum, & Successores sui, vel eorum Vices ge-
 rentes imperpetuum habeant custodiam Assisæ
 & Assisæ, ac supervisum Mensurarum & Pon-
 derum in dictâ villâ Oxon. & suburbiis ejusdem;
 ita quòd ipse Cancellarius vel ejus Vices gerens,
 quotiens opus fuerit, dicta Mensuras & Ponde-
 ra supervideat, & ea quæ falsa invenerit com-
 muni & destrui faciat, & alia legalia & justa de-
 putet & consignari faciat, nec non transgresso-
 res quos in hac parte invenerit, debite puniat &
 castiget. Ita tamen quòd forisfacturæ & alia
 proficua inde provenientia liberentur per ex-
 tractos per dictum Cancellarium faciendos Ma-
 jori

*Magistrus
 1419, 24*

J.

jori & Ballivis dictæ villæ levanda per eos in
 auxilium firmæ suæ villæ prædictæ & de prout
 hætenus est optentum. Item, Concedimus ei-
 dem Universitati, quod Cancellarius ejusdem
 qui nunc est, & Successores sui, veterum Vi-
 ces gerentes in perpetuum, soli & in solam ha-
 beant potestatem inquirendi & cognoscendi de
 forstallatoribus & regratariis, Carnibus & Fici-
 bus putridis, viciosis, & aliis incompetentibus
 in dictâ villâ Oxon. & suburbis ejusdem, & su-
 per hiis punitionem debitam faciendi; sic ta-
 men quod forisfactura & amercementa inde
 provenientia per ipsum Cancellarium adjuſcen-
 tur, & Hospitali nostro Sancti Johannis dictæ
 villæ liberentur, prout est fieri consuetum. Et
 licet Major & Ballivi, Aldermani seu alii ho-
 mines dictæ villæ & suburbiorum ejusdem de
 præmissis se non debeant intramittere, volumus
 tamen & mandamus, quod super hiis omnibus
 & singulis Cancellarius dictæ Universitatis qui
 pro tempore fuerit, pareant humiliter & inten-
 dant. Item, ad terrorem & vindictam malo-
 rum, ac securitatem & solacium bonorum
 ibidem proficiendum ordinavimus & con-
 cessimus, pro nobis & Hæredibus nostris, quod
 Cancellarius dictæ Universitatis qui pro tem-
 pore fuerit, Scholares & Laicos ibidem, con-
 tra Statuta Universitatis arma portantes, &
 delinquentes, per incarcerationem & alias casti-
 gare debite valeat & punire, & arma quæ sic
 contra dicta Statuta portata fuerint, ut sibi com-
 missa & forisfacta modo consueto possit ca-
 pere & habere, ac hujusmodi delinquentes ob-
 stinatos seu rebelles coram dicto Cancellario in
 casibus ad cognitionem suam spectantibus com-
 parere, & juri stare non curantes à dictis Uni-
 versitate & villâ banrire, & alias contra eos per
 censuras ecclesiasticas procedere, prout in casibus
 hujusmodi

hujusmodi consuetum est fieri temporibus retro-actis. Item, Cùm ad dictam Universitatem (ad quam tam nobilium quam popularium alienigenarum & indigenarum multitudo confluit) deceant munditia & honestas, volumus quòd carerix & vici dictæ villæ & suburbiorum ejusdem à fœmis, fordibus, & fœtoribus mundi conserventur & honesti, amotis truncis, lignis, & aliis pro transitu libero, honestati, & munditiæ nocituris, & quòd pavimenta dictæ villæ & suburbiorum ejusdem semper cùm & ubi opus fuerit, congruè reparentur, & quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, & ejus Vices gerens ad hoc homines dictæ villæ & suburbiorum ejusdem, & alios quibus incumbit, quos eidem Cancellario, & ejus Vices gerenti parere volumus in hac parte, possit per censuras ecclesiasticas compellere absque proficuo suis usibus applicando, & quòd prohibitio nostra, seu Hæredum nostrorum, si contra præmissa facta fuerit, vires non habeat nec effectum. Item, cùm Laici plerumque sicut Scholaribus sic & eorum servientibus sint infesti, ordinamus, concedimus, & hac Chartâ nostrâ confirmamus, pro nobis & Hæredibus nostris, quòd cùm Ministri dictæ Universitatis & servientes Clericorum ad quotam aliquam solvendam de bonis suis in villâ prædictâ & suburbiis ejusdem assidendi fuerint, vel taxandi, Cancellarius dictæ Universitatis, vel ejus Vices gerens, & non Major, seu homines dictæ villæ, dictos Ministros & Scholarium servientes, videlicet, Famulares, Scriptores, Luminatores, Pergamentarios, ad quotas hujusmodi fideliter & rationabiliter prout alii homines dictæ villæ & suburbiorum ejusdem, assessi fuerint juxta quantitatem bonorum suorum taxabilium, imperpetuum assideant atque taxent, & pecuniam sic assessam, per Ministros suos

vari faciant, Majori & Ballivis dictæ Villæ per Indenturam liberandam : & si homines dictæ villæ de taxatione per prædictum Cancellarium malè factam conquesti fuerint, super hoc per ministros nostros celeriter inquiratur, & defectus qui repperitus fuerit, debite corrigatur: Volumus autem & concedimus, quòd Cancellarii Universitatis prædictæ qui pro tempore erunt, & eorum Vices gerentes præmissis omnibus & singulis eis in formâ prædictâ concessis plenè, liberè, & integrè gaudeant & utantur juxta formam ordinationum & concessionum prædictarum, non obstantibus privilegiis, libertatibus, consuetudinibus, seu impositionibus contrariis quibuscunque. Item, Volentes indemnitati prospicere Scholarium qui fuerunt in dictâ turbatione de bonis suis deprædati, qui forsân timore irregularitatis non audent prosequi criminaliter contra deprædatores hujusmodi pro recuperatione bonorum suorum, sic furto vel vi ablatorum; Concessimus de gratiâ nostrâ speciali pro nobis & Hæredibus nostris, (quantum in nobis est) omnibus & singulis Magistris & Scholaribus dictæ Universitatis, & eorum Servientibus qui in dictâ turbatione bona sua sic furto vel vi amiserunt, quòd ipse vel Cancellarius & Procuratores dictæ Universitatis eorum nomine absque inquietatione vel molestatione nostri, vel Hæredum nostrorum, seu Ministrorum nostrorum quorumcunque, bona sic furata vel deprædata à dictis furibus & deprædatoribus vel aliis quibuscunque, ad quorum manus hujusmodi res pervenerint, licite recipere & tenere possint, licet contra dictos fures vel raptores ad pœnam sanguinis non fuerint persecuti. Item, Ad majorem securitatem & quietem studentium in Universitate prædictâ pro perpetuo ordinamus & concedimus pro nobis & Hæredibus nostris, quòd quilibet Vicecomes

Oxon. qui pro tempore erit in receptione Commissionis suæ, juramentum præstet corporale, quòd Magistros & Scholares Universitatis *Oxon.* & eorum Servientes pro viribus ab injuriis & violentiis proteget & defendet, & pacem in Universitate prædictâ, quantum in ipso est, faciet conservari, præfatisque Cancellario & Scholaribus, ad puniendas perturbatores pacis ibidem juxta privilegia & statuta Universitatis prædictæ semper, cum opus fuerit, præstabit consilium & juvamen, & ad privilegia, libertates, & consuetudines dictæ Universitatis defendenda, pro viribus opem feret, & quòd à Subvicecomite suo & aliis ministris suis in Comitatu prædicto statim cum post susceptum officium ad castrum vel villam *Oxon.* declinaverit, in præsentia alicujus ex parte Universitatis ad hoc deputandi, confirmile recipiet juramentum, ad quod ipsos ministros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc addi formæ juramenti Vicecomitis dicti loci in receptione Commissionis suæ præstari consueti. Cæterum quia super pœnis pro securiori conservatione pacis ipsius Universitatis statuend. ac super aliis quæ juxta submissiones prædictas ad perpetuam præmissorum memoriam piæ per Dei gratiam facere proponimus, jam ordinare non possumus variis & arduis negociis præpediti, ordinationem hujusmodi nobis specialiter reservamus: hiis testibus venerabilibus patribus *Johanne* Archiepiscopo *Ebor.* *Angliæ* Primate Cancellario nostro, *Will. Winton.* Episcopo, Thesaur. nostro, Magistro *Mich. de Northburgh* Electo *London.* confirmato, *Henr. Duce Lancastriæ*, *Will. de Bohun Northampton*, *Rich. Arundel*, *Thoma de Bello Campo Warw. Reg. March*, *Will. Sarum*, *Johanne de Vere Oxon.* Comitibus. *Galfredo de Say*, & *Johanne de Grey de Rotherfeld*, Senescallo ho-

spiritui nostri, & aliis. Data per manum nostram apud Turrem *London*. xxvii die Junii, anno regni nostri *Anglia* xxix^o, regni vero nostri *Francie* xvi^o. Nos autem Concessionem, Ordinationem, & Confirmationem prædictas in omnibus & singulis quæ dictos Cancellarium, Magistros, Scholares & Universitatem duntaxat concernunt, ratas habentes, & gratas eas pro nobis & Hæredibus nostris, quantum in nobis est, præfatis Cancellario, Magistris, Scholaribus, & Universitati & Successoribus suis concedimus & confirmamus, sicut cartæ & literæ prædictæ rationabiliter testantur. Præterea ob specialem affectionem quam ad dictam Universitatem, nec non ad personas dilectorum clericorum nostrorum *Humphredi de Charleton* Cancellarii ejusdem Universitatis, & *Lodovici* fratris ejus gerimus & habemus; volentes eidem Cancellario, Magistris, Scholaribus & Universitati, ut iidem Magistri & Scholares quietius in eadem Universitate morari & studere valeant, gratiam facere ampliorum, concessimus eis, pro nobis & Hæredibus nostris, & hac cartâ nostrâ confirmavimus, quod licet prædicti Cancellarius, Magistri & Scholares Universitatis prædictæ, vel eorum Prædecessores libertatibus & quietantiis in dictis cartis & literis contentis, vel aliquâ earundem de aliquo casu emergente hætenus usi non fuerint, ipsi tamen & eorum Successores libertatibus & quietantiis illis & earum quâlibet in villâ *Oxon.* & suburbiis ejusdem sine occasione vel impedimento nostri, vel Hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque de cætero plenè gaudeant & utantur imperpetuum. Hijs testibus venerabilibus Patribus *Johanne* Archiepiscopo *Ebor. Angliae* Primate, Cancellario nostro, *Will. Winton.* Episcopo,

Episcopo, Thesaurario nostro, Michaele Episcopo
London. Henrico Duce Lancast. Will. de Bohun
Nottingham. Ricardo Arundell, Rogero March,
 Comitibus, Johanne de Charleton, Gualfredo de Say,
Johanne de Grey, Senescallo hospitii nostri & aliis.
 Datis per manum nostram apud *Westmon.* xx^o
 die *Novembris*, anno regni nostri *Angliae* xxx^o,
 regni vero nostri *Francie* xvii^o. Inspeimus et
 tiam quasdam alias literas parentes ejusdem Avi
 nostri in hac verba; EDWARDUS Dei gratia
 Rex *Angliae & Francie*, & Dominus *Hibernie*,
 omnibus ad quos presentes literae pervenerint,
 salutem. Inspeimus duas literas parentes in-
 dentatas sigillo communi Universitatis *Oxon.*
 ac sigillo dilecti & fidelis nostri *Richardi Damo-*
ry altera tamen appositis, consignatas, unius te-
 noris & continentiae subsequens. Hac Inden-
 tura testatur, quod cum inter Cancellarium, Ma-
 gistros & Scholares Universitatis *Oxon.* ex una
 parte, & Dominum *Richardum Damory* Mi-
 litem, filium & Haeredem Domini *Richardi*
Damory Militis, defuncti, tenentem de Domi-
 no Rege ad feodi firmam Hundredum extra por-
 tam borealem *Oxon.* ex altera, diversa exactio-
 nes & clamea mota fuissent super jurisdictione,
 libertatibus & privilegiis ex alterutra parte in
 dicto Hundredo clameatis, videlicet super hoc,
 quod dictus Dominus *Ricardus* clamat ibidem
 habere *Affiam* & *Affiam* Panis, Vini, & Cer-
 visiae, factae de omnibus tenentibus & residen-
 tibus infra Hundredum illud, ac emendas de pu-
 nitionibus & correctionibus dictae *Affiae* fractae
 provenientes levare & percipere se consuevisse, ac
 etiam clamat habere cognitiones placitorum in
 curiis suis ibidem de omnibus infra praedictum
 Hundredum illius emergentibus, & ad illud perti-
 nentibus, nec non amerciamenta ad alia profi-
 cua de hujusmodi placitis provenientia absque

ullo impedimento. Et super jurisdictione, libertatibus & privilegiis, quæ dicti Cancellarius, Magistri & Scholares, clamant habere in dicto Hundredo sive Suburbio extra portam Borealem Oxon. videlicet, quòd dicti Cancellarius, Magistri & Scholares, clamant habere in dicto Hundredo sive Suburbio, inquisitionem, correctionem, cohercionem & punitionem, & perturbatorum pacis, & delinquentium contra statuta, consuetudines, & privilegia ipsius Universitatis per incarcerationem, banitionem, censuras ecclesiasticas, & aliis modis fieri consuetis, infra dictam Villam & alia Suburbia ejusdem. Et similiter quòd dictus Cancellarius nostræ Universitatis in dicto Hundredo sive Suburbio clamat habere cogniciones omnium causarum, contractuum & placitorum, rerum mobilium, injuriarum & transgressionum ubi Clericus vel alius de jurisdictione Universitatis fuerit una partium, deductis placitis de morte & mahernio. Et insuper quòd dicti Cancellarius, Magistri & Scholares, clamant habere in dicto hundredo sive suburbio cognitionem, correctionem & punitionem forstallatorum & regratariorum, ac omnium venditorum & emptorum victualium ibidem contra privilegia Universitatis. Item, quòd dictus Cancellarius, vel ejus Vices gerens homines in dicto hundredo sive suburbio commorantes, & alios quibus incumbit, clamat compellere ad vicos mundandos coram tenementis suis, & ad pavimenta reparanda quotiens & quando fuerit ibidem necessè. Item, quòd clamant dicti Cancellarius, Magistri & Scholares, habere taxationes domorum Scholarium in dicto Hundredo sive Suburbio, & taxare vel affidere ministros dictæ Universitatis, & Servientes Clericorum, ac Stationarios, Pergamentarios, Luminatores, & Scriptores, quotiens & quando ad
quotam

quotam aliquam solvendam de bonis suis ibidem
affidendi fuerint vel taxandi. Item quòd cla-
mat Cancellarius dictæ Universitatis integram
assisam & assaiam mensurarum & ponderum in
dicto hundredo sive suburbio, sicut alibi in villâ
prædictâ & aliis suburbiis ejusdem, ac cohercio-
nem, correctionem, & punitionem delinquen-
tium in eâ parte, cum emendis, finibus, amer-
ciammentis, & proficuis aliis inde provenientibus.
Et quòd clamat etiam dictus Dominus Cancellarius
integram assisam & assaiam panis, vini, &
cervisiæ in dicto hundredo sive suburbio æquali-
ter sicut alibi in villâ prædictâ & aliis suburbiis
ejusdem, ac debitam correctionem & punitionem
ejusdem, cum finibus, amerciammentis, & profi-
cuis aliis inde provenientibus, super istis exac-
cionibus & clameis prædictis, auditis & sufficien-
ter intellectis rationibus & evidentiis hinc inde
coram Domino Rege & Consilio suo, die Martis,
proximo post festum translationis *S. Thomæ* Mar-
tyris, anno regni sui, videlicet anno regni Regis
Edwardi tertii post conquestum, *Angliæ xxx^o.*
& *Francia xvii^o.* per mediationem Domini *Jo-*
hannis Ebor. Archiepiscopi, Cancellar. *Angliæ;*
& Domini *Willielmi Winton.* Episcop. Thesaur.
Angliæ, inter partes prædictas, in hunc modum
concordatum fuit ex unanimi consensu partium
prædictarum, si placeat Domino Regi, quòd
dicti Cancellarius, Magistri & Scholares in
perpetuum habeant jurisdictionem in dicto hun-
dredo sive suburbio, si suburbium aliquod infra
dictum hundredum fuerit, sive non, in citationi-
bus, sequestris, & aliis pertinent. Jurisdictioni,
in omnibus articulis infra script. videlicet, Quòd
dicti Cancellarius, Magistri & Scholares in per-
petuum habeant in dicto hundredo sive subur-
bio, in formâ prædictâ, inquisitionem, cor-
rectionem, cohercionem & punitionem pertur-
batorum

batorum pacis, & convictionum super pacis perturbatione, seu delinquentium contra statuta, libertates, consuetudines vel privilegia dictæ Universitatis, ubi altera pars fuerit Clericus vel serviens Clerici, aut Minister Universitatis, seu stationarius, pergamenator, luminator, vel scriptor, per incarcerationem, banitionem, censuras ecclesiasticas, & aliis modis fieri consuetis infra villam prædictam & alia suburbia ejusdem. Concordatum est unanimi consensu inter partes prædictas, & per ipsum Dominum *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quod Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, in perpetuum habeat in dicto hundredo, sive suburbio, cognitionem, agitationem & decisionem omnium causarum, contractuum, & placitorum, rerum mobilium, ac injuriarum & transgressionum, ubi Clericus, vel aliquis de sua familiâ, vel serviens Clerici, seu minister Universitatis, bedellus, ac stationarius, pergamenator, luminator, vel scriptor fuerit una partium, deductis placitis de morte hominis & mahemio, & de libero tenemento. Item concessum est inter partes prædictas & per ipsum Dominum *Richardum*, quantum in eo est, concessum pro se & hæredibus suis, si placeat Domino Regi, quod dictus Cancellarius qui pro tempore fuerit, vel ejus locum tenens, & sui successores, in perpetuum habeant in dicto hundredo, sive suburbio, cognitionem de forstallatoribus & regratariis, ac omnibus venditoribus & emptoribus victualium ibidem contra privilegia Universitatis, de carnibus sive piscibus putridis & immundis, viciosis, seu aliis incompetentibus, & vino putrido vel corrupto, & quibuscumque aliis victualibus ibidem minus bonis, ac plenam habeant potestatem debite puniendi delinquentes

linquentes in eâ parte, & forisfaciendi res sic emptas vel venditas contra privilegia Universitatis; ita tamen quòd res forisfactæ dentur Hospitali sancti *Johannis* extra portam orientalem *Oxon.* Item concordatum est inter partes prædictas, si placeat Domino Regi, quòd domus Scholarium infra dictum hundredum sive suburbium de quinquennio in quinquennium, vel infra, retaxentur, si Dominus domûs hoc petierit, aut inhabitantes, per eosdem taxatores per quos taxantur domus Scholarium infra dictam villam: Et etiam quòd cum ministri dictæ Universitatis, & servientes Clericorum, aut stationarii, pergamentatores, luminatores vel scriptores, in dicto hundredo sive suburbio commorantes, ad quotam aliquam sive taxamentum solvendum de bonis suis ibidem assidendi fuerint vel taxandi, Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, & non alius, nec alii, eos fideliter & rationabiliter juxta quantitatem bonorum suorum taxabilium assideat atque taxet, & pecuniam sic assessam per ministros suos levare faciat, Collectoribus ibidem per indenturas liberandam. Item concordatum est inter partes prædictas, & per dictum Dominum *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, homines in dicto hundredo vel suburbio residentes, sive tenementum habentes, in perpetuum habeat per censuras ecclesiasticas, vel alio quovis modo, absque proficuo usibus applicando, compellere, ad vias mundandos coram tenementis suis à finis, sordibus, factoribus, truncis, lignis, & aliis pro transitu libero, honestati & mundicia nocituris, & ad reparanda pavimenta ibidem quotiens & quando opus fuerit, in locis ibidem solitis

solitis paviari. Item concordatum est inter dictas partes, & per ipsum Dom. *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellar. dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, nomine Universitatis, in perpetuum habeat in dicto hundredo sive suburbio, integrè assisam & assaiam mensurarum & ponderum, cum forisfacturis, finibus, amerciamendis, & aliis proficuis inde provenientibus, sed nichil habeat de lanis venditis & malè mensuratis, & quòd ipse Cancellarius, vel ejus vices gerens, quoties & quando opus fuerit, dicta mensuras & pondera supervideat, & ea quæ falsa invenerit comburi & destrui faciat, & alia legalia & justa deputet, & signari faciat; nec non transgressores, quos in hac parte invenerit, debitè puniat & castiget. Item concordatum est, & per ipsum Dominum *Richardum* specialiter concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, solus & in solidum, nomine Universitatis, in perpetuum habeat in dicto hundredo sive suburbio, in formâ prædictâ, integrè assisam & assaiam panis, vini & cervisiæ, debitam correctionem & punitionem ejusdem assise fractæ, cum finibus, emendis, amerciamendis, & proficuis aliis inde provenientibus. Hiis omnibus & singulis præmissis, cum pertinentibus, modo & formâ prædictis, concordatum est unanimi consensu inter partes prædictas, & per ipsum dictum Dominum *Richardum* specialiter concessum pro se & hæredibus suis, si placeat Domino Regi, quòd dicta Universitas liberè & quietè, benè & in pace gaudeat in perpetuum, & ea habeat absque inquietatione, molestatione, seu contradictione quâcunque dicti Domini *Richardi*, vel hæredum suorum, per se aut per ballivos

ballivos seu ministros suos, vel alios quoscunque, & absque hoc quòd dictus Dominus *Richardus*, vel hæredes sui, aut ballivi vel ministri sui, seu alii nomine suo vel hæredum suorum, in dicto hundredo sive suburbio, in formâ prædictâ, de aliquo præmissorum, se aliqualiter intromittant: Et licet dictus Dominus *Richardus*, vel hæredes sui, non debeant, per se nec per suos, intromittere de aliquo præmissorum; vult tamen ipse pro se & hæredibus suis, quòd omnes in dicto hundredo sive suburbio, ut dictum est, residentes, super hiis omnibus & singulis Cancellario dictæ Universitatis qui pro tempore erit, pareant humiliter & intendant, salvis dicto Domino *Richardo*, & hæredibus suis, omnibus aliis juribus dicto hundredo sive dominio suo ibidem pertinentibus. In cujus rei testimonium, uni parti hujus Indenturæ penes dictos Cancellarium, Magistros & Scholares residenti, dictus Dominus *Richardus* sigillum suum apposuit; alteri verò parti penes dictum Dominum *Richardum* residenti sigillum commune dictæ Universitatis est appensum. Hiis testibus, venerabilibus patribus, Domino *Johanne* Dei gratiâ Archiepiscopo *Ebor. Angliæ* Primate, & Cancellario; *Willielmo* Dei gratiâ *Wintoniæ* Episcopo, *Angliæ* Thessaurario prædictis; Domino *Johanne de Wynwyk*, Clerico Sigilli Privati; Dominis, *Willielmo de Sharehill*, *Roberto de Thorpe*, *Richardo de Willughby*, *Henrico de Grene*, Militibus ac Justiciariis Domini Regis, & alijs. Dat. apud *Westm.* die & anno supradictis. Nos autem, qui ad dictam Universitatem, quæ velut vitis habundans per exercitium liberalis scientiæ innumeros produxit palmites fructuosos, viros videlicet providos & discretos, qui sicut nonellæ olivarum frondentes & fæcundantes in fructum, nedum regnum nostrum *Angliæ*, sed orbem terrarum

rarum in circuitu intellectus & sapientie dulcedine repleverunt, privilegio dilectionis afficimur, considerantes concordiam inter partes predictas factam, ut premittitur, quietem & commodum ipsius Universitatis respicere, & viam dampnis & periculis precludere, quae ex dissensione praescripta, si durasset, timebantur verisimiliter provenisse, dictam proinde concordiam de licentia nostra speciali factam, concorditer acceptamus & approbamus, & ipsam, ac omnia & singula contenta in Indentura predicta, quatenus ad nos attinet, mere motu & ex certa scientia confirmamus: Et ad maiorem roboris firmitatem volumus & concedimus pro nobis & heredibus nostris, quod Cancellarius, Magistri & Scholares Universitatis predictae, qui nunc sunt, vel qui pro tempore erunt, habeant, teneant & exercent omnia & singula contenta in Indentura predicta, infra suburbium & hundredum predicta, juxta formam & concessionem praefati *Richardi* superius annotatam, libere, pacifice, & quiete, ac in perpetuum, sine inquietatione nostri & heredum nostrorum, seu ministrorum nostrorum quorumcunque; non obstante quod idem *Richardus* dictum hundredum, ad quod aliqua sic per ipsum *Richardum* concessa praetenduntur competere, de nobis tenere in capite distofatur. Juribus aliis eidem *Richardo* & heredibus suis, ratione hundredi praedicti competentibus, in omnibus semper salvis. In cujus rei testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud *Westmonasterium* decimo sexto die Julii, anno regni nostri *Angliae* tricesimo, regni vero nostri *Franciae* decimo septimo. Inspeimus insuper quasdam alias Literas Patentes ejusdem Avi nostri, in haec verba: EDWARDUS Dei gratia Rex *Angliae* & *Franciae*, & Dominus

Hiber-

Hibernia, universis & singulis Justiciariis, Vice-
comitibus, Ministris, & aliis Ballivis & fide-
libus suis, ad quacunque Officia in Comitatu
Oxon. infra libertates & extra, exequenda &
facienda assignatis & assignandis, ad quos præ-
sentes literæ pervenerint, salutem. Sciatis quod
cum per cartam nostram, de gratiâ nostrâ spe-
ciali inter alia concessum sit pro nobis & hæredi-
bus nostris, Cancellario Universitatis *Oxon.* quod
ipse & successores sui, & eorum vices gerentes,
in perpetuum habeant custodiam assise panis,
vini & cervisie, ac correctionem & punitionem
eiusdem, cum finibus, amerciamentis, & proficiis
aliis provenientibus in hac parte; reddendo no-
bis & hæredibus nostris centum solidos annua-
tium, videlicet, quinquaginta solidos ad Scacca-
rium nostrum sancti *Michaelis*, & quinquaginta
solidos ad Scaccarium nostrum *Pascha*: Ac et-
iam quod idem Cancellarius, solus & in soli-
tudo, ac successores sui, vel eorum vices gerentes,
in perpetuum habeant custodiam assise &
assise, ac supervisum mensurarum & ponde-
rum in dictâ villâ *Oxon.* & suburbiis ejusdem;
ita quod ipse Cancellarius vel ejus vices gerens,
quotiens opus fuerit, dictas mensuras & pondera
supervideat, & ea quæ falsa invenerit comburi
& destrui faciat, & alia legalia & iusta deputet
& consignari faciat, necnon transgressores quos
in hac parte invenerit, debite puniat & castiget.
Ita tamen quod forisfacturæ & alia proficua inde
provenientia liberentur, per extractas per dictum
Cancellarium faciendas, Majori & Ballivis dictæ
villæ, levand. per eos in auxilium firmæ suæ
villæ prædictæ, si & prout hætenus est opten-
tum; & quod Clericus mercati se in præsen-
tiâ nostrâ vel hæredum nostrorum, de cætero
non intramittat infra Burgum illum aut subur-
bia ejusdem, de officio suo exercendo, de ali-
quâ

quâ re eundem Burgum vel suburbia tangente. Et etiam concessum existat eidem Universitati, quòd Cancellarius ejusdem qui nunc est, & successores sui, vel eorum vices gerentes, in perpetuum, soli & in solidum, habeant potestatem inquirendi & cognoscendi de forstallatoribus & regratariis, carnibus & piscibus putridis, viciosis, & aliis incompetentibus, & super hiis punitionem debitam faciendi; sic tamen quòd forisfacturæ & amerciamenta inde provenientia per ipsum Cancellarium adjudicentur & hospitali nostro sancti Johannis dictæ villæ liberentur, prout est fieri consuetum; & quòd licet Major, Ballivi, Aldermanni, seu alii homines dictæ villæ & suburbiorum ejusdem, de præmissis non debeant se intromittere, ipsi tamen Major, Ballivi, Aldermanni, & alii homines prædicti, super hiis omnibus & singulis, Cancellario dictæ Universitatis qui pro tempore fuerit, pareant humiliter & intendant, prout in cartâ nostrâ prædictâ plenius continetur. Nos, ut præmissa sic per nos concessa notitiæ vestræ plenius manifestentur, ea vobis duximus testificanda, per præsentem vobis & cuilibet vestrum districtè demandantes, quòd præsentem testificationem nostrâ coram vobis cum opus fuerit ostensâ, & per vos inspectâ, quam penes dictum Cancellarium ex certis causis remanere volumus, receptâque inde penes vos quâdam copiâ, si vobis videatur expedire, dictum Cancellarium libertatibus prædictis plenè uti & gaudere, & ipsum vel ejus vices gerentem, solum & in solidum, executionem de præmissis, prout prætenduntur, in dictis villâ & suburiis, absque impedimento aliquo facere permittatis, juxta tenorem concessionum nostrarum prædictarum, vos inde in aliquo infra eandem villam & suburbia nullatenus intromittentes contra tenorem concessionum earundem.

Teste

Teste Meipso apud *Westm.* x^o die Januar. Anno Regni nostri *Anglia* xxxii^o. Regni vero nostri *Francia* xix^o. Nos autem Concessionēs, Ordinationes, Libertates, Jurisdictiones, Confirmationes, & omnia & singula in Cartā & Literis prædictis contenta quatinus dictos Cancellar. Magistros, Scholares, & Universitatem *Oxon.* duntaxat concernent rata habentes & gesta ea pro Nobis & Hæredibus nostris, (quantum in Nobis est) & nobis dilectis nunc Cancellario, Magistris & Scholaribus dictæ Universitatis, & eorum Successoribus in perpetuum ibidem commorantibus & commoraturis de gratiâ nostrâ speciali, ac de assensu Concilli nostri approbamus, ratificamus & tenore præsentium concedimus & confirmamus, sicut Cartā & Literæ prædictæ rationabiliter testantur. Præterea ex uberiori gratiâ nostrâ de assensu Concilli nostri concessimus pro Nobis & Hæredibus nostris, & hâc Cartâ nostrâ confirmavimus, quod licet iidem Cancellarius, Magistri & Scholares, vel eorum Prædecessores Libertatibus, Quietanciis, Privilegiis & Jurisdictionibus, in Cartâ & Literis prædictis contentis vel aliqua eorundem aliquo casu emergente hætenus plenè usi non fuerint, ipsi tamen & eorum Successores omnibus & singulis Libertatibus, Quietanciis, Jurisdictionibus & Privilegiis prædictis (sicut prædictum est) concessis absque Impedimento nostri, vel Hæredum nostrorum Justiciariorum, Escaetorum, Vice-Com. aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque exnunc plenè gaudeant & utantur imperpetuum. His Testibus venerabilibus Patribus *S. Cantuar.* Archiepiscopo totius *Anglia* Primate, *A. Mentuensi* Cancellar. *Thomâ Exon.* Thesaurar. nostris, *Thomâ Karl.* & *R. Sarum*, Episcopis; *Johanne Rege Castelli* & *Legionis Duce Lancast.* *Edmundo Com. Cantebri.*

Avunculis nostris carissimis, *Edmundo de Mortuo. Mari March. Ricardo Arundell & Willielmo de Monte muto Sarum Com. Henrico le Scroop, Ricardo de Stafford, Nicolao le Scroop Seneschallo* Hospitii nostri, & aliis. Dat. per manum nostram apud *Westm.* xx^o die Julii, anno Regni nostri secundo. Inspeimus etiam quandam aliam Cartam quam prædictus nuper Rex *Ricardus* fieri fecit in hæc verba. *Ricardus* Dei Gratiæ Rex *Anglia & Francia, & Dominus Hibernie,* Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Com. Baronibus, Justiciariis, Vice-Com. Præpositis, Majoribus, Ballivis, Ministris & omnibus aliis fidelibus suis, Salutem. Scitis quòd de gratiâ nostrâ speciali & pro quiete, salvatione & augmentatione Universitatis Oxon. concessimus & hæc cartâ nostrâ confirmavimus pro Nobis, & Hæredibus nostris Cancellar. & Scolar. dictæ Universitatis, quòd ipsi & Successores sui imperpetuum habeant privilegia & libertates subscript. viz. quòd Cancellar. prædictæ Universitatis & Successores sui & eorum Commissarii & Locum-tenentes coram seipsis imperpetuum habeant Cognitionem omnimodorum Placitorum personalium tam debitorum, computorum, & quorumcunque aliorum contractuum & injuriarum quàm transgressionum contra pacem & misprisionum & omnium aliarum actionum personalium infra Villam Oxon. & Suburbia ejusdem, & alia loca quæcunque infra præcinctum Universitatis prædictæ factorum (Feloniâ & Mahemio duntaxat exceptis) ubi Magister vel Scolari, aut Serviens Magistri, aut Scolari, aut communis Minister vel aliqua quæcunque persona quæ aliquibus privilegiorum vel libertatum dictæ Universitatis gaudere debeat, quos prædictus Cancellarius vel Successores sui aut eorum Commissarii sive Locum-tenentes pro talibus calumpniare

lumpniare voluerint, est vel erit una partium tam de hujusmodi placitis jam pendentibus in quacunq̃ placeâ existat, quàm pro tempore futuro incipiend' & hujusmodi placita teneant in quocunque loco infra Villam prædictam & Suburbia ejusdem, & in aliis locis quibuscunque infra præcinctum prædictæ Universitatis eis placuerint, & inde executionem secundum eorum leges & consuetudines, vel per legem Regni nostri ad voluntatem prædicti Cancellarii & Successorum, Commissariorum seu Locum-tenentium suorum faciant, & de hujusmodi transgressionibus tam *ex officio* quàm ad *sestam partis* per Scholares & Laicas gentes ejusdem villæ & per alios inquirent, & omnia hujusmodi placita coram dicto Cancellario, & Successoribus suis, eorumve Commissariis, sive Locum-tenentibus in formâ prædictâ audiant & terminent, & Transgressores contra pacem inventos culpabiles per incarcerationem vel alio modo rationabili debite castigent, & quòd tam Justiciarii ad placita coram Nobis & Hæredibus nostris tenend' assignati & assignandi, ac Justiciarii nostri & Hæredum nostrorum tam de communi Banco quàm alii Judices quicunque in præsentia vel absentia nostrâ & Hæredum nostrorum præfato Cancellario & Successoribus suis, ac eorum Commissariis & Locum-tenentibus de omnimodis placitis supradictis faciant allocationem sine difficultate vel impedimento quocunque: Et quòd nullus Justiciarius sive Judex in præsentia vel absentia nostrâ seu Hæredum nostrorum, Vice-comes, Major, Ballivus, seu alius Minister quicunque de hujusmodi placitis vel aliquibus eorundem se intromittat, nec partem ad respondend' inde coram ipsis ponat, sed quòd pars illa coram dicto Cancellario & Successoribus suis, & eorum Commissariis, sive Locum-tenentibus, inde solum-

modo castigetur & puniatur in formâ prædictâ : Et quod idem Cancellarius & Successores sui ac eorum Commissar. five Locum-tenent. supradicti imperpetuum executionem de universis personis coram seipsis de hujusmodi Transgressionibus & Misprisionibus convictis, & aliis manutenentibus fieri, & Transgressores infra Castrum nostrum *Oxon.* & alibi in dictâ Villâ & Suburbis ejusdem juxta discretionem suam imprisonari faciant. Et quod Vice-Comes *Oxon.* seu Custos Castri prædicti aut Major & Ballivi Villæ prædictæ pro tempore existentes hujusmodi Transgressionibus ad Ordinationem & Mandatum prædicti Cancellarii & Successorum suorum, ac eorum Commissariorum & Locum-tenentium recipere, custodire, & deliberare teneantur : Hiis Testibus Venerabilibus *R. London,* *W. Winton,* Cancellario nostro, & *W. Dunelmensi* Episcopis, carissimo Avunculo nostro *Johanne Duce Aquitan.* & *Lancast. Ric. Arundell,* *Thomâ de Bello Campo,* *Warwick,* & carissimo Fratre nostro *Johanne de Holland,* *Huntingdon,* Comitibus ; *Johanne Devereux* Seneschallo Hospitii, *Johanne de Cobham,* Magistro *Edmundo de Stafford* Custode privati Sigilli, & aliis. Dat. per manum nostram apud *Westm.* 15^o die *Julii*, anno regni nostri 14^o. Nos autem Concessionibus, Ordinationibus, Libertatibus, Jurisdictionibus, Privilegiis, Concordiis, & Confirmationibus prædict. quatinus dictos Cancellarios, Magistros, Scholares & Universitatem *Oxon.* duntaxat concernunt, rata habentes & gesta ea pro Nobis & Hæredibus nostris (quantum in Nobis est) acceptamus, approbamus, & ea dilectis nobis nunc Cancellario, Magistris & Scholaribus Universitatis prædictæ & eorum Successoribus, de Gratiâ nostrâ speciali concedimus & confirmamus, prout Cartæ & Litteræ prædictæ rationabiliter testantur. Præterea

rea volentes præfatis Cancellario, Magistris & Scolaribus gratiam facere in hac parte uberio-
rem, concessimus pro Nobis & Hæredibus nostris,
& hæc Cartâ nostrâ confirmavimus eisdem Can-
cellario, Magistris & Scolaribus, & eorum Suc-
cessoribus, Quòd licet ipsi vel eorum Prædeces- P. 208.
sores aliquo vel aliquibus Libertatum, Quietan-
tiarum, Privilegiarum & Jurisdictionum in Car-
tis & Literis prædictis contentorum aliquo casu
emergente hætenus plenè usi non fuerint, iidem
tamen Cancellar. Magistri & Scholares, & eorum
Successores, Libertatibus, Quietantiis, Privile-
giis, & Jurisdictionibus illis, & eorum quolibet
exinde plenè gaudeant & utantur in perpetuum
sine impedimento nostri vel Hæredum nostro-
rum, Justiciariorum, Escaetorum, Vice-Com.
at aliorum Ballivorum seu Ministrorum nostro-
rum, vel Hæredum nostrorum quorumcunque.
Hiis Testibus Venerabilibus Patribus T. Cantuar,
totius Anglia Primate, R. Ebor. Anglia Primate,
Archiepiscopis, R. London, W. Winton. J. Elien.
Episcopis; Edmundo Duce Ebor. Avunculo no-
stro carissimo, Henrico de Percy Northumb. Con-
stabular. Anglia, Ric. de Nevill Camerario, &c.
& aliis. Dat. per manum nostram apud Westm.
xx. die Novemb. anno regni nostri primo. In-
speximus etiam quandam Cartam ejusdem patris
nostri similiter factam in hæc verba. HENRI-
cus, Dei Gratiâ, Rex Anglia & Francia, &
Dominus Hibernie, Archiepiscopis, Episcopis,
Abbatibus, Prioribus, Ducibus, Comitibus, Ba-
ronibus, Militibus, Justiciar. Vice-Com. Præ-
positis, Ballivis, Ministris, & aliis fidelibus suis,
Salutem. Sciatis, quòd cum Dominus Ricardus
nuper Rex Anglia Secundus post Conquestum,
Prædecessor noster, per Cartam suam quàm per
Cartam nostram, cum Clausulâ licet confirmavi-
mus, concesserit dilectis sibi in Christo Cancellario

rio & Scholaribus Universitatis Oxon. quod Cancellarius ejusdem Universitatis, & Successores sui & eorum Commissarii ac Locum-tenentes coram seipsis. imperpetuum habeant Cognitionem tam omnimodorum Placitorum Personali-um, Debitorum, Computorum, & quorumcunque aliorum Contractuum & Injuriarum, quam Transgressionum contra Pacem, & Missi-sonum, & omnium aliarum actionum personalium infra Villam Oxon. & Suburbia ejusdem, & alia loca quaecunque infra præinctum Universitatis prædictæ factorum, (Feloniâ & Mahemio duntaxat exceptis) ubi Magister vel Scola-ris, vel, Serviens Magistri, vel Scholaris, aut communis Minister, vel aliqua quæcunq; per-sona, quæ aliquibus Privilegiis vel Liberta-tum dictæ Universitatis gaudere debeat, quos prædictus Cancellarius vel Successores sui aut eorum Commissarii sive Locum-tenentes pro talibus calumpniare voluerint, est vel erit una partium tam de hujusmodi placitis tunc penden-tibus in quâcunq; placeâ extiterint, quam ex nunc incipiend. & hujusmodi placita teneant in quocunq; loco infra villam prædictam & subur-bia ejusdem, & in aliis lotis quibuscunq; infra præinctum prædictæ Universitatis eis placue-rint, & inde Executionem secundum eorum le-ges & consuetudines, vel legem Regni no-stri ad voluntatem prædicti Cancellarii & Successorum suorum, Commissariorum seu Lo-cum-tenentium suorum faciant, & de hujus-modi Transgressionibus tam ex Officio quam ad sectam partis per Scholares & Laicas gentes ejusdem villæ & per alios inquireant; & omnia hujusmodi placita coram dicto Cancellario & Successoribus suis eorum Commissariis seu Locum-tenentibus in formâ prædictâ audiant & terminent; & Transgressores contra pacem in-ventos

ventos culpabiles per incarcerationem, vel alio modo rationabili debite castigant: Et quod tam Justiciarii ad placita coram ipso *Ricardo* nuper Rege & Hæredibus suis tenend' assignati & assignandi, ac Justiciarii sui ac Hæredum suorum tam de communi Banco quàm alii Judices quicunq; in præsentia & absentia ejusdem *Ricardi* nuper Regis & Hæredum suorum præfatis Cancellario, & Successoribus suis aut eorum Commissariis, & Locum-tenentibus de omnimodis Placitis supradictis faciant allocationem sine difficultate, vel impedimento quocunq; & quod nullus Justic. sive Judex in præsentia, vel absentia ipsius *Ricardi* nuper Regis seu Hæredum suorum, Vice-Comes, Major, Ballivus, seu alius Minister quicunq; de hujusmodi placitis vel aliquibus eorundem se intromittat, nec partem ad respondendum inde coram ipsis ponat; sed quod pars illa coram dicto Cancellario, & Successoribus suis, eorum Commissariis sive Locum-tenentibus inde solummodo castigetur & puniatur in formâ prædict. Et quod idem Cancellarius, & Successores sui, eorum Commissarii sive Locum-tenentes supradicti imperpetuum executionem de universis personis coram seipsis de hujusmodi Transgressionibus & Misprisionibus convictis, & aliis manutinentibus fieri, & Transgressores infra Castrum nostrum Oxon. & alibi in dictâ Villâ & Suburbis ejusdem juxta discretionem suam imprisonari faciant; & quod Vice-Comes Oxon. seu Custos Castri prædicti, aut Major & Ballivi villæ prædictæ pro tempore existentes hujusmodi Transgressores ad Ordinationem & Mandatum prædicti Cancellar. & Successorum suorum, ac eorum Commissar. sive Locum-tenantium recipere, custodire, & deliberare teneantur prout in cartis & confirmatione prædictis plenius continetur. Jamq; dilecti no-

in Christo nunc Cancellar. & Scholares Universitatis prædictæ nobis supplicaverunt, ut cum ipsi pro eo quod præcinctus villæ prædictæ per certas Metas & Bundas in speciali in dictis cartis & confirmatione non limitantur; ac insuper pro eo quod diversa de Libertatibus & Privilegiis prædictis sub verbis generalibus conceduntur, sæpius fuerunt, & sunt indies impediti quominus ipsi Libertatibus & Privilegiis illis juxta piam intentionem ipsius nuper Regis uti possint & gaudere, velimus pro majore securitate & quiete prædictorum Cancellar. & Soolarium ac Successorum suorum, & Ambiguitatibus, & Controversiis, in hac parte delendis in futurum graciosius providere; Nos ob Dei reverentiam ac in Universitate prædictâ studentium augmentum & multiplicationem in futurum, nec non ob specialem & internam affectionem quam ad personam dilecti nobis in Christo *Petri Remyngdon Abbatis Leicestria & Chancellarii Universitatis prædictæ* suis exigentibus meritis, & obsequiis gerimus & habemus, de gratiâ nostrâ speciali, volumus, concessimus, & hanc præsentî cartâ nostrâ declaramus, & confirmamus pro nobis, & Hæredibus nostris (quantum in nobis est) quod præcinctus Universitatis prædictæ limitetur, fiat, sit, & se extendat ab orientali parte ejusdem villæ usq; ad *Hospitale S. Bartholomei* juxta Oxon. & ab occidentali parte ejusdem villæ usque ad villam de *Botley*, & à parte boreali ejusdem villæ usq; ad Pontem vocat. *Gudstombrygge*, & ab Australi parte ejusdem villæ usq; ad quendam Boscum vocat. *Bageley*, & sic in Circuitu per loca prædicta & quemlibet locum eorundem imperpetuum Aceciam volumus, concessimus, & hanc præsentî cartâ nostrâ confirmavimus pro nobis & Hæredibus nostris prædictis (quantum in nobis est) quod prædictus

dictus Cancellarius & Successores sui ac eorum Commissarii & Locum-tenentes, omnia & singula Libertates & Privilegia prædicta tam in præsentia quam in absentia nostra & Hæredum nostrorum infra huiusmodi præcinctum dictæ Universitatis per nos sic factum & limitatum imperpetuum habeant & teneant, ac eis & eorum quolibet plenè gaudeant & utantur. Et quòd idem Cancellarius & Successores sui ac eorum Commissar. & Locum-tenentes tam in præsentia quam in absentia nostra & Hæredum nostrorum tam de huiusmodi Transgressionibus & Mispri-
 P. 210.
 fionibus, quàm de Extortionibus, Ignoranciis, Negligenciis, Excessibus, Conspirationibus, Confederationibus, Campipartitis, Ambidextris, Manutenenciis, falsis Alliganciis, Nocumentis, Forstallariis, Regratoriis, ac omnibus aliis articulis itineris quæ poterunt cadere in finem vel redemptionem, seu in aliam pœnam Pecuniariam, ac aliis Contractibus, Placitis & Querelis personarum & aliis Causis & Materiis quibuscunq; quocunq; nomine censeantur seu censi poterunt, licet tangant nos vel Hæredes nostros, seu Ministros nostros quoscunq; (Feloniam & Mahemio ac Affisis, & placitis de libero Tenemento duntaxat exceptis) infra dictam villam Oxon. ac Suburbia & Præcinctum prædict. qualitercunq; emergentibus, factis sive perpetratis, aut faciendis sive perpetrandis tam ex Officio seu ad sectam nostram & Hæredum nostrorum, quàm ad sectam partis, vel alio modo quocunq; ubi Magister, vel Scholaris, seu servientes Magistrorum & Scolarum, vel aliqua alia persona, quæ aliquibus privilegiorum, vel libertatum dictæ Universitatis gaudere debeat, quos prædict. Cancell. vel Successores sui aut eorum Commissar. sive Locum-tenentes pro talibus calumpniare voluerint, est vel erit una partium per Scholares & Laicas

Laicas gentes ejusdem villæ Oxon. & per alios inquirant & inquirere possint, & plenam cognitionem & correctionem inde habeant, & hujusmodi placita, querelas, causas & materias teneant an quocunq; loco infra dictam villam Oxon. aut Suburbia, vel præcinctum ejusdem eis placuerit, & executionem inde secundum eorum leges & consuetudines, vel secundum legem Regni nostri *Anglie* ad voluntatem prædicti Cancellar. & Successor. suorum, Commissar. & Locum-tenentium suorum faciant, ac omnes & singulas Materias, Querelas, Causas & Articulos hujusmodi (exceptis præ-exceptis) audiant & terminent; & omnimoda Amerciamenta, Exitus, & Proficua inde provenientia ad commodum & utilitatem totius Universitatis prædictæ habeant, levent, & percipiant per se & Deputatos suos imperpetuum. Ita quod nullus Justic. ad placita coram nobis, vel Hæredibus nostris tenend. assignatus, vel assignand. Justic. de Com. Banco, Justic. ad Assisas capiend. vel Goalas deliberand. vel Custodes pacis, vel Justic. servientium, Laboratorum & Artificum seu alii Justic. vel Judices quicunq; Senescallus, vel Marescallus, vel Clericus Mercati Hospitii nostri, vel Hæredum nostrorum, Vice-Comes, Major, Ballivus, seu alius Officiarius, vel Minister noster, vel Hæredum nostrorum quicunq; de hujusmodi placitis, querelis, contractibus, articulis, causis, materiis vel aliis rebus prædictis seu eorum aliquo (exceptis præ-exceptis) infra dictam villam Oxon. aut suburbia seu præcinctum ejusdem factis, vel faciend. in præsentia nec absentia nostri, vel heredum nostrorum se in aliquo non intromittant. Et si iidem Justic. aut alii ministri prædicti seu eorum aliquis in præsentia, vel absentia nostra, vel Heredum

hanc noſtram ſuper aliquibus premiſſis
exceptis pre-exceptis inquirere, ſeu aliquatim
cognoſcere, vel ſe intromittere præſumpſerit
in futurum: ſidem Juſtic. ac alii Miniſtri &
Officarii prædiſti. ad certificationem, notificati-
onem ſeu ſignificationem Cancellar. Univerſi-
tatis prædiſte qui pro tempore fuerit, aut ejus
Commiſſar. ſive Locum tenentis inquisitionibus,
& cognitionibus huiusmodi, & cuiſcumq; præ-
ceſſi, & executioni inde quaſiterunt; faciend.
ſtatim ſubſcendant, & ſe inde ulterius in ali-
quo nullatenus intromittant. Et præterea cum
inter cætera Libertates & Privilegia Cancellar.
& Scholar. Univerſitatis prædiſte per cartas pro-
genitorum noſtrorum quondam Regum Angliæ,
quas per cartam noſtram prædiſtam confirma-
vimus, conceſſis, conceſſum ſit eiſdem, quod
iſdem Cancellar. imperpetuum habeant Cuſto-
diani Aſſiſa panis, vini, & Cerviſiæ, ac convec-
tionem & punitionem ejuſdem, infra dictam villam
Oxon. & Suburbia ejuſdem, cum Finibus, Amer-
ciamenis, & aliis proficuis proventibus in
hac parte, ~~habendo~~ præſatis progenitoribus no-
ſtris & Hæredibus ſuis 100 Solidos annuatim.
Nos volentes præſatis Cancellario & Schola-
ribus gratiam in hac parte facere ampli-
orem, de gratiâ noſtrâ ſpeciali dedimus,
conceſſimus, & remiſimus, ac relaxavimus pro
nobis & Hæredibus noſtris prædiſtis (quantum
in nobis eſt) præſatis Cancellar. & Scholar.
& Succelloribus ſuis prædiſtos 100 Solidos no-
bis & Hæredibus noſtris ſic (ut præmittitur)
annuatim reddendos, habend. & percipiend.
eiſdem Cancellar. & Scholar. & Succelloribus
ſuis ad communem utilitatem Univerſitatis
prædiſte imperpetuum. Ita quod ipſi & Suc-
ceſſores ſui nobis & Hæredibus noſtris pro hu-
juſmodi Cuſtodia & punitione unum denarium

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duntaxat absq; plur. ad Festum *Sancti Michaelis* singulis annis de cætero solvent, & reddant imperpetuum. Hiis Testibus Venerabilibus Patribus *Thomæ*, Archiepiscopo *Cantuar.* totius *Anglia* Primati, *R.* *London*, *W. Winton*, *H. Lincoln*; fratre nostro carissimo *J. Hereford*, *E. Exon* Cancellario nostro Episcopis, *Edmundo Duce Ebor.* Avunculo nostro carissimo, *Edwardo Roteland*, *Joannæ de Beaufort*; fratre nostro *Somersot*, *Henrico Percy Northumb.* *R.* de *Neuil Westmorl.* *Thomæ de Percy Wigorn.* Seneschallo Hospitii nostri Comitibus, *Johannæ de Norbury*, Thesaurar. nostro, *Johannæ Grey de Codmore*, *Reginald.* de *Gray de Rethyn*, Magistro *Ric. Cliford*, Custode privati sigilli nostri, & aliis, dat. per manum nostram apud *West.* xiii. die *Maii*, Anno Regni nostri secundo. Nos autem Concessionēs, Libertates, Jurisdictiones, Privilegia, Concordias, & Confirmationes, prædicta quatinus dictos Cancellar. Magistros, Scholar. & Universitatem *Oxon.* duntaxat concernunt, rata habentes & gesta, ea pro nobis & Hæredibus nostris (quantum in nobis est) acceptamus, approbamus, & ea dilectis nobis nunc Cancellar. Magistris, & Sclaribus Universitatis prædictæ & eorum Successoribus de gratiâ nostrâ speciali concedimus & confirmamus, prout Cartæ & Litteræ prædictæ rationabiliter testantur. Præterea Volentes præfatis nunc Cancellar. Magistris & Sclaribus gratiam in hac parte facere uberiorē, concessimus pro nobis & Hæredibus nostris, & hac cartâ nostrâ confirmavimus eisdem Cancellar. Magistris & Sclaribus, & eorum Successoribus, quod licet ipsi vel eorum Prædecessores aliquo, vel aliquibus libertatum, quietanciarum, privilegiorum & jurisdictionum in Cartis & Literis prædictis contentorum aliquo casu emergente hætenus plenè usi non fuerint, iidem